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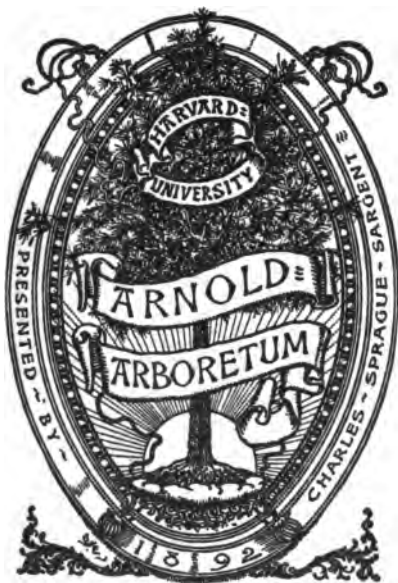
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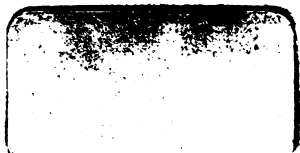
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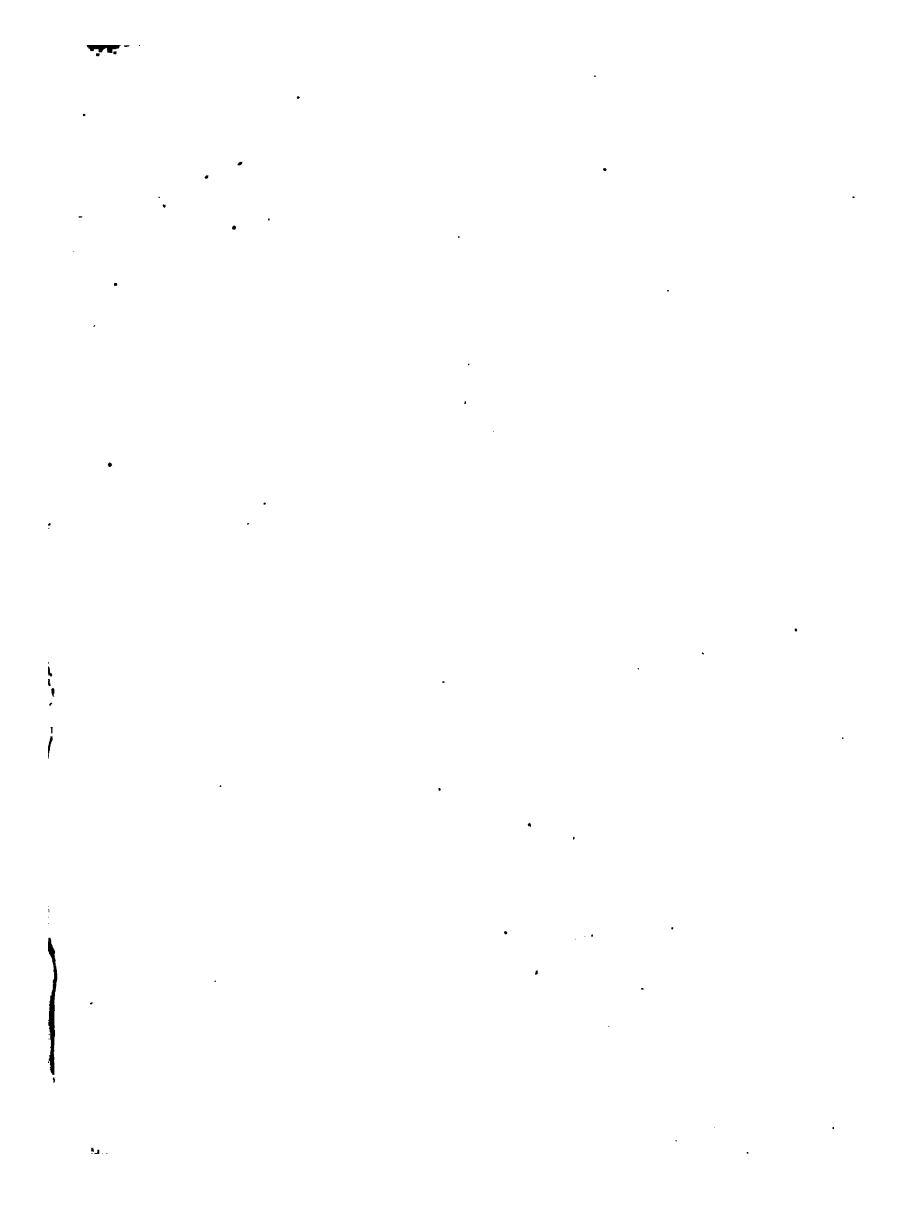
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COMMONWEALTH OF PENNSYLVANIA.

DIGEST

OF THE

Game, Fish, and Forestry Laws.

By DR. JOSEPH KALBFUS,

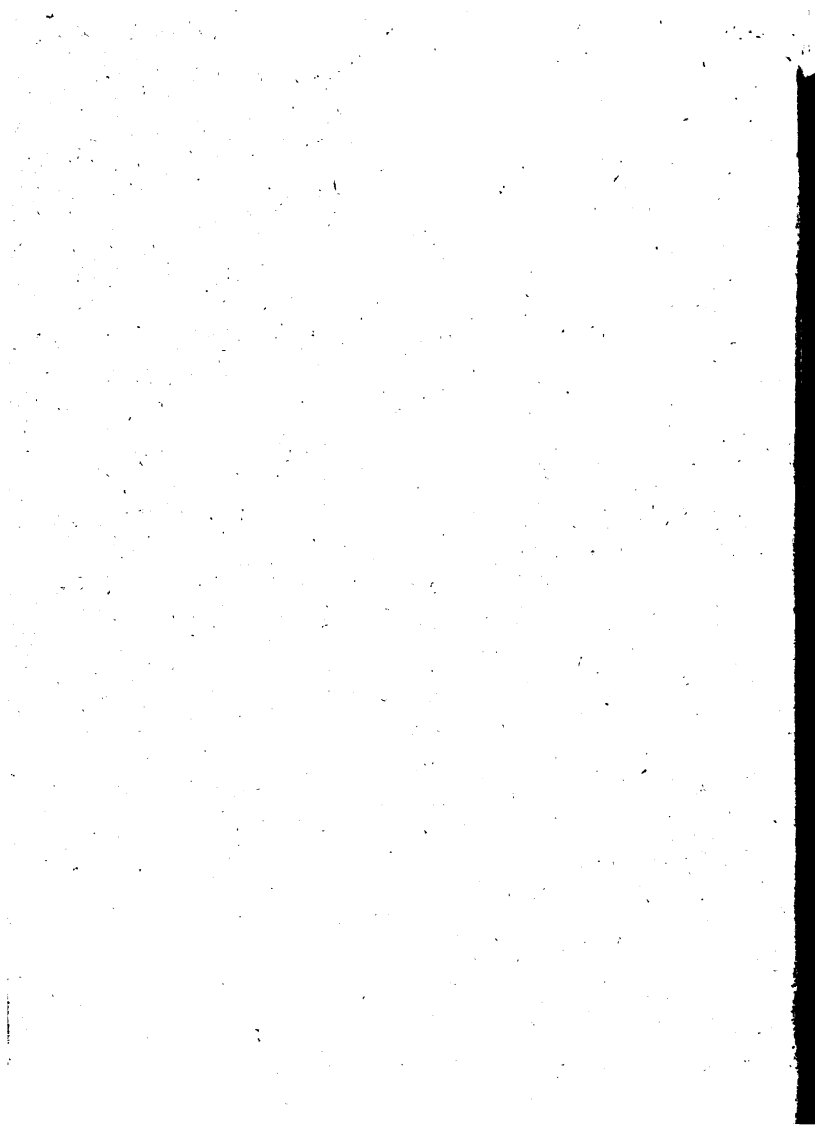
Secretary of the Game Commission.

1907.

HARRISBURG, PA.:

HARRISBURG PUBLISHING CO., STATE PRINTER.

1907.



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COMMONWEALTH OF PENNSYLVANIA.

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1907.

HARRISBURG. PA.:

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1907.

Recd. July 1914
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DIVISION 1. Page 7.

Contains laws or parts of laws treating of Game, of song and insectivorous birds.

DIVISION 2. Page 76.

Contains laws or parts of laws treating of fish only.

DIVISION 3. Page 144.

Contains laws pertaining to Forestry.

A summary of each is attached and all are joined in the index.

Leading decisions pertaining to game and fish. Page 211.

No. 16.

In the House of Representatives,
February 4th, 1907.

Whereas, By reason of the great demand by the people of this Commonwealth for the pamphlet containing the Game, Fish and Forestry laws of this Commonwealth, the many proposed changes of the same and additions thereto, and that the people of the State be given the opportunity to become acquainted with these laws as quickly as possible after their enactment;

Therefore, be it resolved (if the Senate concur), That the Secretary of the Board of Game Commissioners of this Commonwealth be and is hereby directed to prepare the data, and as soon as possible after the close of this Session present the same to the Superintendent of Public Printing, who shall at the expense of the State have published in pamphlet form 100,000 copies of said laws together with such letter of instructions or explanations by those entrusted with the care of our game, our forests and our fish as may seem necessary; twenty thousand for the use of the Senate, fifty thousand for the use of the House of Representatives, two thousand for the use of the Executive, four thousand for the use of the Secretary of the Commonwealth, four thousand for the use of the Department of Forestry, four thousand for the use of the Department of Fisheries and sixteen thousand for the use of the Board of Game Commissioners.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.

The foregoing resolution was concurred in February 26, 1907.

W. HARRY BAKER,
Assistant Chief Clerk of the Senate.

Approved the 14th day of March, A. D. 1907.

EDWIN S. STUART.



LETTER OF TRANSMITTAL.

In the minds of those who have to do with the forestry the fish and the game interests of this Commonwealth, those who have given these subjects careful and thoughtful study, each of them in itself seems to occupy such a place in the make up of the individual life of so many of our people and jointly are so interwoven with each other and with the general prosperity of our State as to make even their prospective loss appear in the light of a calamity, a condition that if once established will be extremely hard if not impossible to overcome and that will bring serious very serious results in its train.

It has long since been determined that growing timber, forest, shade and fruit trees were absolutely necessary to the healthful enjoyment of this life. That the product of this growing timber is absolutely necessary to the success of mechanical pursuits. That upon the preservation or reproduction of our forests depends our continuous water supply, our protection from drought, as well as our defense against excessive flood.

It has been said that the benefit derived by a day a field, with rod or gun, by the tired and worn out in-door worker, is something that cannot be correctly expressed in words or figures. Physical exercise and forgetfulness of daily worry and business care, bring their reward in the return of health, and there is no incentive in this direction that can begin to take the place of the pursuit of fish or game. Any one who has ever hooked a two pound bass, or used an artificial fly, can realize what total forgetfulness of business cares means, how from the moment the strike was made the circulation quickened and all thought of the world outside was forgotten until that fish was landed, how in anticipation of a strike, every cast of the fly took his whole attention. No one can forget the flushing of that wild turkey or that pheasant or that covey of quail, or how bunny sprang out most unexpectedly, and how in absolute forgetfulness of all besides, he took that needed and continuous exercise in their pursuit that nothing beside would have caused him to take, and how in restful oblivion he passed the night without even a dream of business cares. The ability acquired by young America in pursuit of game, in the handling of the gun, in taking care of himself in the field, or in the forest or on the water, has made it

possible for our volunteers to become, with limited discipline and drill, the equal of any regular on the face of the earth. The value of fish and game as a food supply, are questions of no little import, and beside this is the worth of living birds. Some one has defined ornithology to be the study of birds from the standpoint of dollars and cents, and it matters not whether the bird be classed as a game bird, a song bird or an insectivorous bird its value living far exceeds its value dead.

This book contains a compilation of the laws of this Commonwealth on the subject of Forestry, Fish and Game, and it is the most earnest desire of those entrusted with the care of these subjects, that every resident of this Commonwealth, awake now to a realization of the fact, that their individual help is needed to protect these interests. No one it seems to us, has attained an elevation in this State that places him above having a personal interest in these matters and no one is so lowly that his influence cannot be of value. Every community should have an organization for forestry, fish and game protection, and we hope the laws contained in this little book will be read and re-read, not by hunters and fishermen only, but by every individual in the State who has her interests at heart, who if they will but one moment think on these subjects, cannot fail to recognize that every step taken for the protection of our forests, our fish, our game and our wild birds is a step in the right direction and one that cannot fail to be of benefit to the Commonwealth.

Individual effort in behalf of these subjects is all right and much good has already and will hereafter result from it. Organization for the purpose of advancing these interests is still better and in the hope of aiding in such organization we publish on page of this book a short form of suggestions that may be of use. We would like to see an association of this kind in every community of the Commonwealth.

Respectfully yours,

JOSEPH KALBFUS,
Secretary of Game Commission.

GAME, FISH AND FORESTRY LAWS.

DIVISION I.

CONTAINING LAWS OR PARTS OF LAWS TREATING OF GAME, OF SONG, AND IN- SECTIVOROUS BIRDS.

AN ACT

To provide for the appointment of Game Commissioners for the Commonwealth of Pennsylvania, defining their duties and empowering them to appoint game protectors.

June 25,
1896, P. L.
273.

Section 1. Be it enacted, &c., That the Governor of the Commonwealth is hereby authorized and required to appoint, subject to the approval of the Senate, six competent citizens of this State to be and act as a Board of Game Commissioners, no two of whom shall be from the same Senatorial district, and shall, upon said appointment, designate which two of said persons shall receive and hold office during the term of one year, which two of said persons shall receive and hold office during the term of two years, and which two of said persons shall receive and hold office for the term of three years.

Appointment
of Board of
Game Com-
missioners
authorized.

Terms of
first ap-
pointees.

Upon the death, resignation or removal from office of any person so appointed as aforesaid, the Governor shall appoint a competent person to serve for the unexpired term of the person so dying, resigning or removed, subject to the approval of the Senate at its next meeting, if such meeting shall be before the expiration of the term of office of such appointee.

Vacancy
how filled.

Upon the expiration of the term of the officers so appointed and designated under the provisions of this act, their successors shall be appointed in manner aforesaid for the term of three years, so

Full term
shall be
three years.

No compensation for services.	that there shall not be more than two vacancies at any one time in such commission, and the term of two commissioners shall expire thereafter each year. The commissioners shall receive no compensation for their services.
Office of board.	Section 2. The Board of Game Commissioners shall have an office in the Capitol, at Harrisburg, Pennsylvania, and shall hold meetings at such
Meetings.	office on the first Thursday of January and July, and at such other times and places within the State as the commissioners shall appoint for the transaction of business. It shall be the duty of
Duties of board in protection of game.	said board to protect and preserve the game, song and insectivorous birds and mammals of the State, and to enforce, by proper actions and proceedings, the laws of this Commonwealth relating to the same. It shall be the duty of said board to collect,
In collection of statistics.	classify and preserve all such statistics, data and information as, in their judgment, will tend to promote the objects of this act, to take charge of and
Keep reports, &c.	keep all reports, books, papers and documents which shall, in the discharge of their duties hereunder, come into their possession or under their control.
Annual report to Governor.	It shall be the duty of said board, on or before the first Monday in December of each year, to prepare and present to the Governor of this State an annual report, showing what has been done by
Contents of report.	them during the current year, the amount received by them, and from what sources, and the amount expended by them, and for what purposes, with such recommendations for legislative action, if
Governor shall present report to legislature.	any, as the said board may deem wise for the better accomplishment of this act. The Governor shall lay said reports before the legislatures convening next after their receipt.
Board shall appoint ten game protectors.	Section 3. The Board of Game Commissioners shall have the power and authority to appoint ten (10) competent men whose powers and duties are hereinafter defined, and who shall be known as game protectors. The said board shall, from time
Chief protector.	to time, designate one of such protectors as chief protector, who shall remain such during the pleasure of the board, and who shall have the direction, supervision and control of the other protectors. The chief game protector shall be secretary to the
Chief protector shall be secretary of the board.	Board of Game Commissioners, and shall occupy as his permanent headquarters the room assigned the Game Commissioners at the Capitol in Harrisburg.

GAME, FISH AND FORESTRY LAWS.

9

The Chief Protector shall give a bond to the Board of Game Commissioners with securities in the sum of one thousand dollars, and each of the other protectors a bond with securities in the sum of five hundred dollars, conditioned for the faithful discharge of his duties, such bond to be approved by the commissioners.

Bond of protectors.

Each of said protectors shall receive for the use of the said board one-half of all the fines and penalties collected in actions brought upon information furnished by him, after all the expenses of recovering said fine and penalties shall be paid.

Fines and penalties collected.

Section 4. Game protectors so appointed shall hold office during the pleasure of the Board of Game Commissioners, which may summarily remove any of their number and appoint another in his place. The game protectors shall enforce all the game laws of the State and the provisions supplementary thereto, and shall have full power to execute all warrants and search warrants issued for the violation of the game laws, and to serve subpoenas issued for the examination, investigation or trial of all offenses against said laws; each protector shall keep a record of his official acts, receipts and expenditures and at the close of each month make a summary of such record, with such statements in detail as shall be necessary for the information of his chief, and report the same to the chief protector under oath. The chief protector shall report to the Board of Commissioners any negligence or dereliction of duty or incompetency on the part of any of the protectors, with the facts relating thereto, and he shall report monthly to said commissioners the operations of his department during the preceding month, and shall make such further reports as may be required by the Board of Commissioners: Provided, That no commissioner, protector or other officer, authorized by this act shall claim or receive any compensation for his services or for expenses incurred in the discharge of his duties.

Protectors shall hold office at pleasure of board.

Shall enforce game laws.

Serve subpoenas.

Shall keep record of official acts, &c., and report under oath.

Chief protector shall report negligence on part of protectors.

Shall make monthly report.

No compensation to commissioner, protector or other officer.

Approved—The 25th day of June, A. D. 1895.

DANIEL H. HASTINGS.

AN ACT

June 4, 1897,
P. L. 123.

To provide for the protection and preservation of game, game quadrupeds and game birds, and song and insectivorous birds, and prescribing penalties for the violation of its several provisions.

Hunting on Sunday prohibited.

Section 1. Be it enacted, &c., That there shall be no hunting or shooting on the first day of the week called Sunday, and any person offending against the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Penalty.

Killing deer in streams, or hunting with dogs prohibited.

Section 4. * * * * * No person or persons shall at any time kill or capture any deer in the waters of any of the streams, ponds or lakes within the State. No person or persons shall make use of dog or dogs in hunting any elk, deer or fawn within this State. Whoever shall offend against any of the provisions of this section shall be liable to a penalty of one hundred dollars for each offense so committed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Penalty.

Dogs pursuing deer may be killed.

Any dog or dogs pursuing or killing any elk, deer or fawn, or following upon the track of any elk, deer or fawn, are hereby declared a public nuisance, and may be killed by any person when so seen, and the owner of such dog or dogs shall have no recourse at law whatever.

Shall not trap or kill game to sell.

Section 5. That it shall be unlawful at any period or season of the year to kill, entrap, or pursue with intent to kill or entrap, any deer, fawn, wild turkey, pheasant, grouse, quail, partridge or woodcock in any part of this Commonwealth for the purpose of selling the same. And it shall be unlawful for the proprietor, manager, clerk or agent of any market or other person, firm or corporation, to purchase, sell, or expose for sale any deer, fawn, wild turkey, pheasant, grouse, quail, partridge or woodcock killed or entrapped within this Commonwealth. That it shall be unlawful for the proprietor, manager, clerk or agent of any market or any other person, firm or corporation to purchase for the purpose of again selling the same

Purchasing of such game prohibited.

Purchasing of game to sell again prohibited.

any deer, fawn, wild turkey, pheasant, grouse, quail, partridge or woodcock killed or entrapped within this Commonwealth. Whoever shall offend against any of the provisions of this section shall be liable to a penalty of one hundred dollars for every deer, fawn so taken, purchased or sold, and twenty-five dollars for every wild turkey, pheasant, grouse, quail, partridge or woodcock so taken, purchased or sold, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Penalty.

Section 6. No person or persons, company or corporation, or the agent or the employe thereof, shall, at any time, catch, take or kill, or have in his or its possession or under his, her or its control, any of the birds or game mammals of this State, the killing of which at any or all times is prohibited by the laws of this State, with intent to ship or remove the same beyond the limits of this State, or with intent to allow or aid in the shipment or removal thereof out of this State; and it shall not be lawful for any person or persons, railroad company, express company, stage driver or any corporation, or person or persons acting in the capacity of a common carrier their officers or employes, to knowingly receive for transportation or transport or remove beyond the limits of the State any of the game birds or game mammals mentioned in this act; that it shall be unlawful for any person to kill in any one day more than ten ruffed grouse, commonly called pheasants, or more than fifteen quail or Virginia partridge, or more than ten woodcock, or more than two wild turkeys.

Imprisonment.

Shipping of birds and game mammals out of State prohibited.

Nor shall railroad or express companies ship same.

Number of birds shot by one person regulated.

Whoever shall offend against any of the provisions of this section shall be liable to a penalty of not less than fifty dollars, nor more than one hundred dollars, for each and every offense, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed: Provided, That no penalty shall apply to the transportation of such game birds and game mammals in transit through the State from other States.

Conviction and penalty.

Proviso.

Section 7. No person shall catch, take or kill in this Commonwealth, or except as hereinafter provided, have in his or her possession or under his or her control after the same shall have been so killed, any * * * black, gray or fox squirrel, save only from the fifteenth day of October to the

Killing of rabbits.

Squirrels.

Penalty.	fifteenth day of December, inclusive, in each year. Whoever shall offend against any of the provisions of this section shall be liable to a penalty of ten dollars for each and every * * * squirrel so taken or killed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.
Hunting rabbits with ferrets prohibited	Section 8. No person or persons shall hunt or cause or permit the hunting of hares or rabbits with a ferret or ferrets, under a penalty of twenty-five dollars for each and every hare or rabbit caught or killed by the use or the aid of a ferret or ferrets, and the fact that a person or persons while hunting has in his or their possession or under his or their control a ferret or ferrets, shall be deemed prima facie evidence of intent to use the same, and said person or persons shall be liable to a penalty of twenty-five dollars for each and every ferret so possessed or controlled, or undergo imprisonment in the county jail for a period of one day for each dollar of penalty imposed.
Fine and imprisonment.	*Section 9. No person shall at any time, catch, take or kill in this Commonwealth any of the game birds or game mammals hereinbefore mentioned in any of the sections of this act in any other manner than by shooting them with a gun, and no person shall at any time set, lay or prepare any trap, snare, net, birdlime, swivel gun, deer-lick, pitfall, turkey blind or pen, or any other contrivance or device whatever with intent to catch, take or kill any of the game birds or game mammals in any of the sections of this act mentioned, or make any use of any artificial light, battery or other deception or contrivance whatever with intent to attract or deceive any of the game birds or game mammals in this act mentioned, except that decoys may be used in hunting ducks, wild geese and brant, and it shall be lawful to trap quail from the first day of January in any year to the fifteenth day of February next following and to take them alive for the purpose of keeping them alive during the winter, but for no other purpose whatever; any quail so taken alive shall not be transported to any other locality, but must be liberated when the weather is suitable in the spring in the same local-
Killing of game birds and game mammals except shooting with gun prohibited.	
Setting trap or other device prohibited.	
Using artificial light or other deception prohibited.	
Exceptions.	
Trapping quail to keep during winter allowed.	
Regulation of same.	

*Rabbits may be taken in any manner during the open season except through the use of ferrets. See Act April 16, 1907, Page

ity where they were caught. Whoever shall offend against any of the provisions of this section shall be liable to a penalty of fifty dollars for each and every offense so committed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Violation of act and penalty.

Section 11. That in all prosecutions for the violation of any of the laws for the protection and preservation of game in this State, proof of the possession of any such game, or the fresh skin or any portion of the fresh carcass of fresh skin of such game at any time when the killing, taking or having in possession of such game is by law prohibited, shall be prima facie evidence of a violation of the law by the person or persons in whose possession the same shall have been found. Whoever shall offend against any of the provisions of this act shall be liable to the penalty of the section governing the same for each and every offense so committed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Evidence of violation of this act.

Penalty.

Section 12. All actions for violation of any of the sections of the provisions of this act shall be commenced within one year from the time such violation was committed, and any magistrate, justice of the peace or alderman, upon information or complaint made before him by the affidavit of one or more persons of the violation of any of the provisions of this act by any person or persons, is hereby authorized and required to issue his warrant under his hand and seal directed to any constable, police officer, game protector or game warden, to cause such person or persons to be arrested and brought before said magistrate, justice of the peace or alderman, who shall hear and determine the guilt or innocence of the person or persons so charged, and if convicted of said offense or offenses, said person or persons shall be sentenced to pay the fine or fines, penalty or penalties attached to such violation, together with costs, one-half of which penalty shall go to the informer, and the remaining one-half shall be forthwith paid to the treasurer of the county in which the offense was committed; and it shall be the duty of the said treasurer at the end of each month to forward the fund so arising to the State Treasurer to be kept by the latter as a fund

Actions for violation of act.

Duties of justice of the peace.

To whom warrants shall be directed.

Conviction and sentence.

Distribution of penalties.

Amount paid to State Treasurer to be for use of Board of Game Commissioners. Proviso.

May enter recognizance for court.

Conviction and penalty.

Time game may be held, etc.

Repeal.

separate and apart for the use of the Board of Game Commissioners, and to be drawn out upon warrant signed by the president of the Game Commissioners and the Auditor General: Provided, That any defendant on refusing to pay said penalty shall be committed to the common jail of the county for a period of not less than one day for each dollar of penalty imposed, unless that defendant enter into recognizance with one or more sufficient securities to answer said complaint on a charge of a misdemeanor before the quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged and failure to pay the penalty imposed by this act, together with the costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed.

Section 13. Any person may have in his or her possession the game birds and game mammals herein mentioned for a period of fifteen days after the time limited for killing the same has expired, and shall not be liable to any penalty under this act.

Section 14. All sections, provisos, acts or parts of acts, inconsistent with this act or any section of it are hereby repealed.

Approved—The 4th day of June, A. D. 1897.

DANIEL H. HASTINGS.

AN ACT

March 22,
1899, P. L.
17.

Making constables of townships and boroughs ex-officio fire, game and fish wardens, prescribing their power and duties, fixing their fees as wardens, and prescribing their punishment for failure to perform their duties.

Constables to be ex-officio fire, game and fish wardens.

Duties of wardens.

Section 1. Be it enacted, &c., That from and after the passage of the act the constables of the various wards, boroughs and townships of the Commonwealth shall be ex-officio fire, game and fish wardens.

Section 2. It shall be the duty of said fire, game and fish wardens to enforce all statutes of this State now in force, or that hereafter be enacted, for the protection of forests and timber lands from fire,

and for the protection and propagation of game, game birds, game mammale, song and insectivorous birds, and fish, and said constables or wardens shall have authority to arrest without warrant any person or persons caught by them in the act of violating any of the aforesaid laws for the protection of forests and timber lands, game, and food and game fish, and take such person or persons forthwith before a justice of the peace or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter. Such arrests may be also made on Sunday, in which case the person or persons arrested shall be taken before the proper officer, and proceeded against as soon as may be on a week day following the arrest.

May arrest
without
warrant.

Arrests may
be made on
Sunday.

Section 3. Said constables or wardens shall have power without warrant to search and examine any boat, conveyance, vehicle, fish box, fish basket, game bag or game coat, or other receptacle for game or fish, when they have good reason to believe that any of the laws for the protection of forests and timber lands, game and fish, have been violated; and the said constables shall at any time seize and take possession of any and all birds, animals or fish, which have been caught, taken or killed at any time, in a manner or for a purpose, or had in possession or under control, have been shipped or are about to be shipped, contrary to any of the laws of this State. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish, caught, taken, killed, had in possession, under control or shipped, or about to be shipped, contrary to law, shall issue a search warrant and cause a search to be made in any place, and to that end may, after demand and refusal, cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket or package, to be broken open and the contents thereof examined by said constable. All birds, animals or fish, or net, or fishing appliance, or apparatus, seized by any constable or warden, shall be disposed of in such manner as may be directed by the court before whom the offense is tried, and such constable or warden shall not be liable for damages on account of any such search, examination or seizure, or the destruction of any nets or

Power with-
out warrant
to search
and exam-
ine.

To seize and
take posses-
sion of game
and fish.

Courts may
issue search
warrants.

Property
seized to be
disposed of
as directed
by the court.

Constables
not liable
for damages.

fishing apparatus of any kind in accordance with the provisions of this act.

Constables or wardens to be paid.

Section 4. Any constable or warden, upon the arrest and prosecution of any offender to conviction under the provisions of this act, shall, in addition to the fees to which he may be entitled under existing laws, be paid for his services the sum of ten dollars on a warrant drawn by the county commissioners on the county treasurer, one-half of which shall be paid out of the treasury of the respective county, and the remaining half of said reward shall be paid by the State Treasurer into the treasury of said county, out of moneys not otherwise appropriated, upon warrant from the Auditor General, but no such warrant shall be drawn until the respective county commissioners shall have first furnished, under oath, to the Auditor General, a written itemized statement of such expense, and until the same is approved by the Auditor General: Provided, That no county shall be liable to pay for this purpose in any one year an amount exceeding five hundred dollars.

Amount.

How paid.

Proviso.

Constables or wardens to have concurrent jurisdiction.

Section 5. Each of said constables or wardens shall, for the purpose of this act, have concurrent jurisdiction throughout his own proper county; and they shall in the first week in each term of the court of quarter sessions of their respective counties, make special returns to said court, under oath, of all violations occurring in their respective townships, or which may come or be brought to their notice, of any of the provisions of any law now in force, or that may hereafter be enacted, for the protection of forests and timber lands, game and fish; and it shall be the duty of the judge of said court to see that such returns are faithfully made, and any constable or warden wilfully neglecting or refusing to make such returns, or to prosecute any offense under said laws of which he shall have personal knowledge, or of which he shall have notice in writing by any citizen, giving the name of the offender together with the names of the witnesses, shall be guilty of a misdemeanor, and upon conviction thereof be sentenced to pay a fine of fifty dollars, or to undergo an imprisonment in the county jail for two months, both or either, at the discretion of the court.

To make special returns to court.

Duty of the court.

Neglect or refusal of constables a misdemeanor.

Penalty.

Section 6. All sections, provisos, acts or parts of acts, inconsistent with this act, or any section of it, are hereby repealed.

Approved—The 22d day of March, A. D. 1899.

WILLIAM A. STONE.

A SUPPLEMENT

To an act, entitled "An act to provide for the appointment of game commissioners of the Commonwealth of Pennsylvania, defining their duties, and empowering them to appoint game protectors," approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five; extending the powers of said protectors, making disposition of fines received by them, and regulating their pay.

May 21, 1901,
P. L. 266.

Section 1. Be it enacted, &c., That from and after the passage of this act the game protectors appointed by virtue of the provisions of the act, entitled "An act to provide for the appointment of game commissioners for the Commonwealth of Pennsylvania, defining their duties, and empowering them to appoint game protectors," approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five shall have, in addition to the powers conferred upon them by said act, the authority to arrest without warrant any person or persons found by them in the act of violating any of the laws of this Commonwealth now in force, or that may hereafter be enacted for the protection of game, of song and of insectivorous birds, and take such person or persons forthwith before a justice of the peace or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter; such arrest may also be made on Sunday, in which case the person or persons, so arrested, for safe keeping may be committed to the jail for that day, but shall be taken before the proper magistrate and proceeded against as soon as may be on a week day following the arrest.

May arrest
without
warrant.

In case of
arrest on
Sunday.

Section 2. Said game protectors shall have power, without warrant, to search and examine any boat, conveyance, vehicle, game-bag, game-coat, or other receptacle for game, when they have good cause to believe that any of the laws of this Com-

Search and
examination
without
warrant.

Seizure of game.

monwealth for the protection of game, of song or of insectivorous birds, have been violated; and the said game protectors shall, at any and all times, have the right to seize and take possession of any and all birds or animals which have been caught, taken or killed, at any time, in a manner or for a purpose, or had in possession or under control, have been shipped or about to be shipped, contrary to any of the laws of this Commonwealth. Any court having jurisdiction of the offense, upon receiving proof of the probable cause for believing in the concealment of any bird or animal caught, taken, killed, had in possession, under control, shipped or about to be shipped, contrary to any laws of this Commonwealth, shall issue a search warrant, and cause a search to be made in any place; and to that end may, after demand and refusal, cause any building, enclosure or car to be entered, and any apartment, chest, locker, box, trunk, crate, basket, bag or package, to be broken open and the contents thereof to be examined by said protector. All birds or animals classed as game, found therein in violation of law, shall be seized by the protector making the search, who shall, as soon as may be thereafter, forward said game to the nearest hospital, for the use of the sick or injured therein; the bodies or parts of bodies of all song or insectivorous birds, so taken, shall, unless needed for evidence, be destroyed;

Search warrant.**Game seized to be forwarded to the nearest hospital.****Guns and appliances.****Public auction.****Securing of evidence.**

all guns, gunning appliances, shooting apparatus, trap or gunning apparel, found in said receptacle or receptacles, where the search warrant is issued against a non-resident, shall be seized by said protector, and held, subject to the payment of the maximum penalty attached by law to the offense charged, and the costs of prosecution; said goods to be sold at public auction, after the lapse of twenty days from the date of seizure, and failure of the reputed owner to appear and defend himself against the charges preferred; and such game protector or protectors shall not be liable for damages on account of any arrest, search, examination, seizure or sale, made in accordance with the provisions of this act.

Section 3. Any of the game protectors of this State shall have the right, for the purpose of securing evidence wherewith to convict of violations of the game law, to purchase or sell game, the purchase or sale of which is otherwise forbidden, and

shall not be liable to any of the fines or penalties imposed by law for the purchase or sale of game. All game remaining in the hands of a protector, after the purpose for which it was procured shall have been accomplished, shall be forwarded to the nearest hospital for the use of the sick or injured therein.

Game to be forwarded to hospital.

Section 4. Any person or persons interfering with any of the game protectors of this Commonwealth in the discharge of their duties, or resisting arrest, shall be liable to a penalty of one hundred dollars, or be imprisoned in the county jail for a period of one day for each dollar of penalty imposed. Any game protector is hereby authorized to call to his aid any citizen or citizens of this Commonwealth, for assistance as needed in making an arrest.

Interference with game protectors.

Aid in making arrests.

Section 5. That the game protectors, so appointed, shall receive salary or pay per day, as may be agreed upon by the Game Commission, with expenses not to exceed two dollars per day outside of traveling expenses; said expense account to be itemized and presented under oath. All moneys coming to any game protector as his part of any fine or penalty, under existing law, wherein he is the prosecutor, shall belong to the Game Commission, and shall be surrendered by said protector to the secretary of the said commission for its use: Provided, That the combined expense account of the Game Commission shall not exceed the amount set apart by law to their use.

Compensation of game protectors.

Expenses.

All fines and Penalties to be turned over to Game Commission.

Proviso.

Section 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

Approved—The 21st day of May, A. D. 1901.

WILLIAM A. STONE.

AN ACT

To prohibit the capture or killing of beaver within the Commonwealth of Pennsylvania, and providing penalties for the violation of its provisions.

March 17, 1903, P. L. 28.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful to kill or capture, or to attempt to kill or capture, any beaver within this Commonwealth.

Unlawful to kill or capture beaver.

Section 2. Any person violating any of the provisions of this act shall be liable to a penalty of

Fine.

Imprisonment.

Prima facie evidence.

Beaver classed as "game."

Duty of game wardens, etc.

Prosecutions.

one hundred dollars for each offense; or, in default of the payment thereof, with the costs of prosecution, to undergo an imprisonment, in the jail of the county where the offense is committed, of one day for each dollar of penalty imposed; and the possession of any beaver, or of the fresh skin or any portion of the fresh skin or carcass of such animal, shall be prima facie evidence of a violation of this act by the person or persons in whose possession the same shall have been found.

Section 3. For the purposes of this act, the beaver shall be classed as game in this Commonwealth; and it is hereby made the duty of all officers of the State, entrusted with the protection of game, to see that the provisions of this act are enforced. All prosecutions for violation of the provisions of this act shall be brought, and the course of proceeding followed, as prescribed by section twelve of an act, entitled "An act to provide for the protection and preservation of game, game quadrupeds, game birds, et cetera," approved the fourth day of June, Anno Domini one thousand eight hundred and ninety-seven.

Approved—The 17th day of March, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

April 11, 1903, P. L. 163.

To provide for the appointment of deputy game protectors, for the Commonwealth of Pennsylvania, and defining their duties.

Deputy game protectors.

Section 1. Be it enacted, &c., That the Board of Game Commissioners shall have the power and authority to appoint one competent man in each and every county of the Commonwealth of Pennsylvania, to be called and designated as a deputy game protector, who shall have the same power and perform the same duties as the present game protectors, authorized by law, now have and perform, and receive the same compensation that constables now receive for similar services; and shall, when appointed, give to the Board of Game Commissioners a bond in the sum of three hundred dollars, conditioned for the faithful discharge of his duties; such bond to be approved by the said Commissioners.

Compensation.

Bond.

Approved—The 11th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

Requiring non-resident hunters, and unnaturalized, foreign-born, resident hunters to procure a license before hunting in this Commonwealth, and providing penalties for violation of its provisions, and repealing an act approved the twenty-fourth day of April, one thousand nine hundred and one.

April 14,
1903, P. L.
178.

Section 1. Be it enacted, &c., That from and after the passage of this act, every non-resident and every unnaturalized foreign-born resident of this Commonwealth shall be required to take out a license from the treasurer of the county in which he proposes to hunt, before beginning to hunt in any part of this Commonwealth. Each and every person not a resident of this Commonwealth, and each and every person who is an unnaturalized, foreign-born resident of this Commonwealth, shall pay a license fee of ten dollars to the treasurer of the county in which he proposes to hunt, and the said treasurer shall thereupon issue to him a certificate, on forms supplied by the Board of Game Commissioners of this Commonwealth, bearing the name and place of residence of the applicant, with his description as near as may be, which said certificate shall authorize the owner thereof to hunt and kill game in any part of this Commonwealth, during the period of that year when game may be legally killed, under the restrictions and for the purposes allowed by law; said certificate shall not be transferable, and shall be exposed for examination, upon demand made by any game protector, constable, or game warden of the State. One-half of the license fee so received by any county treasurer shall be retained by him, for the use of the county wherein the same is paid, and the remaining one-half of said fee shall be forwarded by him to the State Treasurer, in the same manner and for the same purpose as is now provided by law in the case of fines or penalties recovered for violation of the provisions of any of the sections of an act, entitled "An act to provide for the protection and preservation of game, game quadrupeds and game birds, and song and insectivorous birds," approved the fourth day of June, Anno Domini one thousand eight hundred and ninety-seven. All

Non-resident
hunters and
unnaturalized,
foreign-born
resident
hunters, required
to take
out license.

Fee.

Certificate.

Not transferable.

Disposition
of fee.

Distribution of fines.	fines and penalties recovered for violation of the provisions of this act shall be distributed as are fines and penalties collected for violation of the said act of June fourth, one thousand eight hundred and ninety-seven. Section 2. Possession of a gun, in the fields or in the forests or on the waters of this Commonwealth, by an unnaturalized, foreign-born resident or a non-resident of this Commonwealth, without having first secured the license required by this act, shall be prima facie evidence of a violation of its provisions; and any person so offending shall be liable to a penalty of twenty-five dollars for each offense, or in default of the payment thereof, with the costs of prosecution, to suffer an imprisonment in the county jail for a period of one day for each dollar of penalty imposed, unless he or they enter into good and sufficient recognizance to pay said penalty and costs within a period of ten days from the date of conviction, or enter into recognizance to answer said complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace of the county where said offense is charged to have been committed; which court, on the conviction of the defendant or defendants, and failure, to pay the penalty or penalties imposed, with the cost of prosecution, shall commit the said defendant or defendants to the jail of the county for a period of one day for each dollar of penalty imposed.
Prima facie evidence.	
Fine and penalty.	
Bail.	
Commitment.	
Power of officers.	Section 3. All officers of the Commonwealth whose duty it is to protect the game of the Commonwealth, shall have power to seize all guns and shooting paraphernalia, and game in possession or belonging to the suspected parties, within the Commonwealth. The game, upon the conviction of the parties so arrested, shall be forfeited to the State, and forwarded by said officer to the most convenient public hospital, for the use of the sick or injured therein; and the guns and shooting paraphernalia held, subject to the payment of the penalty or penalties imposed, with the costs of prosecution; and in the case of default of the payment thereof for a period of five days from the date of conviction, unless appeal be taken, to advertise the same by public handbill, not less than five in number, conspicuously displayed in the borough or township where the conviction was secured, and after the lapse of ten days from the date of ad-
Disposition of game seized.	
Guns, etc.	
Advertisement.	

vertisement, to sell said guns and paraphernalia at public auction. The fund thus realized shall be applied first, to the payment of costs incurred, then to the payment of the penalty imposed, and the remainder, if any, shall be returned to the owner or owners of the property so seized and sold: Provided, That the fact that imprisonment is suffered by any person convicted of violating the provisions of this act, shall not prevent the sale of all guns and hunting paraphernalia so seized, and the application of the fund thus realized to the purposes before mentioned.

Sale.
Disposition
of fund.

Proviso.

Section 4. "An act requiring non-resident gunners to secure a license before hunting in the Commonwealth of Pennsylvania, and providing penalties for violations of its provisions," approved the twenty-fourth day of April, Anno Domini nine hundred and one, be and the same is hereby repealed.

Repeal.

Approved—The 14th day of April, A. D. 1903.
SAML. W. PENNYPACKER.

AN ACT

To prohibit the discharge of flobert rifles, air guns, spring guns, in cities and boroughs of this Commonwealth.

April 15,
1903, P. L.
198.

Section 1. Be it enacted, &c., That six months after the passage of this act it shall be unlawful for any person to discharge, on the streets or alleys of any city or borough in this Commonwealth, a flobert rifle, air gun, spring gun, or any implement which impels with force a metal pellet of any kind.

Flobert
rifles, air
guns and
spring guns.
Unlawful to
discharge in
streets or
alleys.

Section 2. Any person violating this act shall be arrested, and fined in the sum of five dollars before any committing magistrate; and for the second offense, shall be fined in the sum of fifteen dollars and may undergo an imprisonment in the county jail for a period not less than ten days and not exceeding thirty days, the person so offending to pay all costs of prosecution.

Fine.

Approved the 15th day of April, A. D. 1903.
SAML. W. PENNYPACKER.

AN ACT

April 16,
1906, P. L.
212.

Officers
whose duty
it is to en-
force game
laws.

Record
costs.
The county's
liability
therefor.

Fixing the liability for record costs, in cases where officers, whose duty it is to enforce the game laws of this Commonwealth, fail, for any legal cause, to receive the same from the defendant.

Section 1. Be it enacted, &c., That from and after the passage of this act, whenever any officer of this Commonwealth, whose duty it is by the laws of this State to protect our game, our song or our insectivorous birds, shall in good faith, bring suit for violation of any of the laws relative to these subjects, and for any legal cause shall fail to recover the costs of record, the same shall be a charge upon the proper county, and shall be audited and paid as are costs of like character in said county.

Approved—The 16th day of April, A. D. 1903.
SAML. W. PENNYPACKER.

AN ACT

April 14,
1906, P. L.
169.

Trespass.

Upon posted
land.

Fine and
Penalty.

Making it unlawful to trespass upon land posted as private property, and providing the penalty thereof.

*Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person wilfully to enter upon any land, within the limits of this Commonwealth, where the owner or owners of said land has caused to be prominently posted upon said land printed notices that the said land is private property, and warning all persons from trespassing thereon, under the penalty provided in this act.

Section 2. Every person violating the provisions of this act shall be liable to a penalty of not exceeding ten dollars, together with the costs of prosecution, to be recovered before any magistrate or justice of the peace as fines and penalties are by law recoverable; and, in default of payment of said fine and costs, the party convicted shall

*This is not a game or fish law and is printed in this pamphlet only as a matter of information to sportsmen.

be committed to the county jail of the proper county, for one day for each dollar of fine imposed.

Section 3. All penalties recovered under this act shall be paid to the school fund of the district in which the trespass was committed.

Approved—The 14th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

To provide for the appointment of special deputy game protectors, for the Commonwealth of Pennsylvania, and defining their duties and powers.

April 12,
1905, P. L.
201.

Section 1. Be it enacted, &c., That from and after the passage of this act, the Board of Game Commissioners of this Commonwealth shall be empowered to appoint, at their discretion, competent men throughout the Commonwealth, to be known as special deputy game protectors, who in all ways shall possess the rights and powers now given by law to game protectors, and be subject to all requirements and regulations, either of the law or of rules of the Board of Game Commissioners, controlling the action of such game protectors in this Commonwealth: Provided, Such special deputy game protectors shall in no way be entitled to recompense from either the county or Commonwealth for services rendered or expenses incurred in the performance of their duties.

Special
deputy game
protectors.

Rights and
powers.

Proviso.

Approved—The 18th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

To provide for the protection and preservation of game, game-quadrupeds and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions.

April 22,
1905, P. L.
243.

Section 1. Be it enacted, &c., That the time during which game of this Commonwealth may be legally killed, caught or trapped shall be known as the Open Season, and the time during which game

Open season.

Close season. may not be legally killed, caught or trapped shall be known as the Close Season for game in this Commonwealth; and in the designation of seasons and other periods under this act, and under all other laws of this State for the protection of game such season or period shall include the first day or date mentioned in the designation, but shall not include the last date mentioned.

Game-birds. Section 2. The following shall be considered game-birds in this Commonwealth The Anatidae, commonly known as swan, geese, brant, and river and sea-ducks; the Rallidae, commonly known as rails, coots, mud-hens and gallinules; the Limicolae, commonly known as shore-birds, plovers, surf-birds, snipe, woodcock, sand-pipers, tattlers and curlews; the Gallinae, commonly known as wild-turkeys, grouse, prairie-chickens, pheasants, partridges and quail the Columbæ, commonly known as doves and wild-pigeons, and the birds known as reed birds and blackbirds.

Where provisions of act shall not apply.

Section 4. The game-laws of this Commonwealth shall not be construed to apply to any public zoological garden of the State, or to any public institution of the State, wherein animals or birds may be maintained alive for educational purposes, or for the purpose of scientific study or experiment; or to the Board of Game Commissioners of this State, or to its duly authorized agent or agents, acting for the State; or to any other person holding a certificate issued by the Board of Game Commissioners, authorizing the holder thereof to take birds, their nests and eggs, for strictly scientific study, in which case the holder of such certificate shall be limited to the rights and privileges therein named. The said Board of Game Commissioners shall be empowered to grant certificates, at their discretion, authorizing the holder thereof to take birds, their nests and eggs, for strictly scientific study or for propagating purposes, within this State, in accordance with the following provisions: A certificate, to be known as an ordinary certificate, may be granted by the Board of Game Commissioners to any properly accredited person, of the age of sixteen years or upwards, residing in this Commonwealth, permitting the holder thereof to collect wild birds other than game-birds, their nests and eggs, within this Commonwealth, for strictly scientific study; but not for sale or ex-

Certificates may be granted.

Ordinary certificate.

change, or shipment from or removal out this Commonwealth, without the written consent of the president of the Board of Game Commissioners. The number of birds that may be taken, under a certificate of this character, shall be limited to eight of each species, with nests to the number of two, and the eggs found therein. In order to secure this certificate, the party desiring the same shall file with the secretary of the Board at Harrisburg, a petition asking that such privilege be granted to him. This petition shall be accompanied by the written statement of at least two well known citizens of the community in which said applicant may reside, certifying to the good character and fitness of said applicant to be entrusted with such authority. Said applicant shall pay to the secretary of said Board the sum of five dollars, for its use; and shall file a duly executed bond properly secured, in the sum of one hundred dollars, conditioned for the faithful performance upon the part of the principal therein named of all the requirements of this section relative to the granting of this certificate. Upon the conviction of the principal therein named of having violated any of the provisions of this section relative to this certificate, the bond shall be forfeited to the Commonwealth of Pennsylvania, for the use of the Board of Game Commissioners, and the certificate become void. Such certificate shall be in force for a period of one year from the date thereof, and shall not be transferable.

Limitation.

Petition.

Fee.

Bond.

Forfeiture of bond, etc.

Special certificate.

Conditions of.

A certificate to be known as a special certificate, to take birds for strictly scientific study, may be issued by the Board of Game Commissioners, and shall be controlled by the same conditions and requirements as the ordinary certificate, except that such certificate may be issued only to a person of known scientific attainment in ornithology; in which case the holder thereof shall be authorized to take the wild birds of this State, without limitation, for strictly scientific study or experiment, but not for sale or exchange, or shipment from or removal out of this State, without the written permission of the president of the Board of Game Commissioners. Persons taking birds, their nests and eggs, without having a certificate as required by this section, or having a certificate and taking a greater number of birds, nests or eggs than is permitted herein to persons licensed hereunder,

Penalties.	shall be subject to the penalties prescribed by existing law.
Propagating certificate.	A certificate, to be known as a propagating certificate, may be issued by the Board of Game Commissioners to any accredited citizen of the Commonwealth, of the age of twenty-one years or upwards, permitting the holder thereof and his assistants to breed or raise game-quadrupeds or game-birds of any kind in this Commonwealth, or both or either, and to sell the same alive, for propagating purposes only, under the following restrictions and regulations: Any person desiring to operate a propagating plant for game, in this Commonwealth, shall file with the secretary of the Board of Game Commissioners, at Harrisburg, a petition asking for the privilege. He shall also file a description of the premises to be used for such purpose, with its location, and shall accompany the same with the written statement of at least two well known citizens, of the community in which he may reside, certifying to his good character and fitness to be entrusted with such privileges. Upon notification of the favorable consideration of this petition by the Board of Game Commissioners, he shall pay to said secretary, for the use of said Board, the sum of five dollars, and file a duly executed bond, properly secured, in the sum of five hundred dollars, conditioned for the faithful keeping, upon the part of the principal therein named and his employees upon said premises, for all the provisions of this section and all other game laws of this State. He shall keep a just and true account, in a book to be kept for that purpose only, of all game raised on said premises, of all game brought to said premises from outside of the State, the number of birds or animals, with the time they were received, the place from whence they were shipped, and the name of the shipper. He shall keep a strict account of all game sold, its character, the number of birds or quadrupeds, the time and manner of shipment, with the name and address of the purchaser, and in every instance shall demand and receive before shipment an affidavit from the purchaser thereof, setting forth the fact that the game thus purchased is intended only and will be released for strictly propagating purposes within this Commonwealth. Each affidavit thus procured shall belong to and be the property of the Board of Game
Propagating plant.	
Petition.	
Description of plant.	
Fee.	
Bond.	
Affidavit of purchaser.	

Commissioners, and shall be filed with them by the owner of such propagating plant, together with an itemized statement from the before-named book-account, at the close of every three months, beginning with the date of his certificate. This book, together with the premises described and all game thereon, shall be open to inspection upon demand of any member of the Board of Game Commissioners of this State, or any game protector holding a commission from said Board. All boxes or crates, or packages of any description, in which game may be shipped or removed from said premises, shall, before removal therefrom, have attached thereto a card, to be supplied by the Board of Game Commissioners, upon which shall be plainly written, in the blank spaces left for that purpose, the name and address of the purchaser, with the contents of the box, crate or package. No other card or marking of any description shall be used. The certificate herein provided for shall be good for one year from the date thereof, and shall be transferable only at the discretion and under conditions that may be prescribed by the Board of Game Commissioners. The bond hereinbefore provided for shall be forfeited to the Commonwealth, for the use of the Board of Game Commissioners, and the certificate become void, upon the conviction of the principal therein named of having violated any of the provisions of this section, or of having knowingly or negligently permitted any one to violate any of the game laws of this Commonwealth on said premises. All game in possession, under control of, or owned by the operator of such propagating plant at the time of such conviction shall be forfeited, and become the sole property of the Board of Game Commissioners, to be distributed at their discretion within this Commonwealth. No operator of a propagation plant of this description within this Commonwealth shall be denied a new certificate, except for violation of some provision of this act.

Boxes,
crates, etc.,
to be tagged.

Forfeiture of
bond, etc.

No law of this State shall be held to prevent the Board of Game Commissioners, through their authorized agents, from destroying wild birds or animals, destructive of game, in such manner as they may direct.

Animals de-
structive of
game.

Section 5. No person shall take, catch or kill, or have in possession or under control, in this Com-

Wild-pigeon.

Fine. monwealth, either living or dead, any wild-pigeon, or portion thereof, for a period of ten years from and after the date of the approval of this act. Each and every person violating any provision of this section shall be subject, upon conviction thereof, to a penalty of twenty-five dollars for each wild-pigeon caught killed or taken, or part thereof had in possession.

* * * * *

**Pheasant,
woodcock,
etc.**

Limit.

Quail.

Limit.

Wild-turkey.

Limit.

Dogs.

Penalty.

Section 7. It shall be unlawful for any person to catch, take or kill in any one day, in this Commonwealth, more than five ruffed-grouse, commonly called pheasant, or more than ten woodcock, or more than five English, Mongolian or Chinese pheasants; or more than twenty of either of the above named kinds, in any one week; or more than fifty of any of the aforesaid kind, in any one season; or more than ten quail, commonly called Virginia partridge, in any one day; or more than forty of such birds, in any one week; or more than seventy-five thereof, in any one season; counting each week as beginning on Monday morning and ending the Saturday night following; or to have in possession at any one time, within this Commonwealth, more than the number above limited for the season, if the same have been caught, taken or killed within this Commonwealth. No more than one wild-turkey shall be killed, caught or taken by any one person in any one day; nor more than four wild-turkeys in any one season.

Section 8. No person shall make use of a dog or dogs in hunting deer or fawn within this Commonwealth; and the fact that a dog of any description shall be taken into the woods, or shall be had in the possession or under control, or shall be cared for or harbored, or permitted to remain with or in the camp of any person or persons who may go to hunt, during the open season for deer or fawn in this State, shall render each person in said camp liable to the full penalty prescribed by law for the unlawful taking or killing of deer or fawn, upon proof, duly sworn to, that the dog so taken into the woods, or had in possession or under control, or harbored, cared for, or permitted to remain in said camp, did, within a radius of ten miles from said camp, run after, pursue or follow upon the track of any deer or fawn for a distance of one hundred yards. No person shall make use

of what is known as buck-shot in hunting deer or fawn within this Commonwealth, or shall kill or wound, or attempt to kill or wound, any deer or fawn within this Commonwealth by or with or through the use of a gun propelling or emitting more than one pellet, bullet or ball at a single discharge; and persons violating this provision shall be subject to the penalties provided by existing law for the unlawful taking or killing of deer or fawn.

Buckshot.

Guns.

The game laws of this Commonwealth shall not be held to apply to elk.

Elk.

Section 9. Any dog pursuing or following upon the track of a deer or fawn, within this Commonwealth, is hereby declared to be a public nuisance. Such dog may be killed by any person when seen pursuing or following upon the track of a deer or fawn in this Commonwealth, or by any game-protector, deputy game-protector, game-warden, forestry-warden, or any other officer of the State, whose duty it is to protect any of the game of the State, upon affidavit being made by one or more persons acquainted with the facts, before an officer authorized to administer oaths, that said dog is in the habit of, or has been seen or heard running upon the track of or pursuing any deer or fawn in this Commonwealth, within a period of one year from the date of such affidavit. Any dog, off land controlled by the owner of said dog, pursuing or following upon the track of any game-quadruped or game-bird, or other wild bird, protected by existing law, during what is known as the close season for such quadrupeds or birds, in this Commonwealth, is hereby declared a public nuisance, and may be killed by the owner or lessee of land whereon it is found, or by a game-protector, deputy game-protector, game-warden, forestry-warden, or any other officer of the State whose duty it is to protect the game of this State, when seen upon the track of such game or wild bird, unless such dog shall wear a collar having attached thereto a metallic tag or plate upon which shall be plainly inscribed, in English, the name and address of the owner of such dog; and any dog wearing a collar thus inscribed, pursuing game off land controlled by the owner of such dog, during what is known as the close season for such game, may be killed by the owner

Dogs running deer or fawn declared a public nuisance.

Killing of.

Dogs pursuing game.

Public nuisance.

Killing of.

Collars and name-plates.

After writ-
ten notice.

Fine.

Proviso.

Training.

Selling, etc.,
of certain
game-birds.

Unlawful
possession of
pheasant,
quail, wild-
turkey,
woodcock
and deer or
fawn.

Proviso.
Game pre-
serves.

or lessee of any lands upon which such dog may be found, or by a game-protector, deputy game-protector, game-warden, forestry-warden, or any officer of the State whose duty it is to protect the game of the State, when such dog is seen upon the track of such game, after notice in writing from that particular person, or from the secretary of the Game Commission, to the owner or reported owner of such dog, to the effect that the dog in question is in the habit of pursuing or following on the track of game or wild birds, contrary to the provisions of this act. The owner of a dog thus killed in conformity to the law, shall be liable to a penalty of twenty-five dollars for each deer or fawn pursued, and fifty dollars for each deer or fawn killed, or caused to be killed, by such dog running at large without the aid or direction of its master: Provided, That dogs, when accompanied by and under the control of their masters, may be trained upon any of the living wild-game or birds of this State, excepting deer and fawn, from the first day of August to the first day of January next following, so long as no injury is inflicted upon said game or birds.

Section 10. No person shall at any time buy, sell, expose for sale, or offer for sale any ruffed-grouse, commonly called pheasant; or quail, commonly called Virginia partridge, nor any deer or fawn, or part thereof, which shall have been caught, killed or taken within this Commonwealth; nor any ruffed-grouse, commonly called pheasant, which shall have been killed, caught or taken outside of this Commonwealth, save only during the open season therefor in this Commonwealth, and for thirty days thereafter; and no person shall at any time buy, sell, expose for sale, or offer for sale any woodcock or wild-turkey, whether caught, killed or taken within or without this Commonwealth.

No person shall have in his possession, except during the open season therefor, and fifteen days thereafter, any ruffed-grouse, commonly called pheasant, any English, Mongolian or Chinese pheasant, any quail, commonly called Virginia partridge, any wild-turkey, any woodcock, or any deer or fawn, or part thereof, which shall have been caught, killed or taken within this Commonwealth: Provided, That the owner or owners of game preserves in this State shall have the right

to keep living deer and fawn therein at all times, to kill the same subject to the laws of this State, and to sell any of said deer or fawn alive, for propagating purposes only, after procuring the written consent of the president of the Board of Game Commissioners. Any person violating the provisions of this section shall be subject to the penalties provided by existing law for the unlawful purchase or sale of game.

Penalties.

Section 11. No person shall hunt or capture or kill in this Commonwealth any deer or fawn, wild-turkey; ruffed-grouse, commonly called pheasant; quail, commonly called Virginia partridge, or woodcock, for wages or hire, or valuable consideration of any description whatsoever, either directly or indirectly; and each day thus employed shall constitute a separate offense. Each and every person who shall offend against any provision of this section shall be liable, upon conviction, to a penalty of twenty-five dollars for each offense, and forfeit all guns and shooting paraphernalia used by him in the commission of such offense, as hereinafter provided.

Deer, fawn, wild-turkey, pheasant, quail, or woodcock shall not be hunted for wages or hire.

Penalty.
Forfeiture.

Section 12. The open season for squirrels in this Commonwealth shall be from the first day of October to the first day of December in each year, and it shall be unlawful for any person to kill more than six squirrels in one day. * * *

Squirrels.

Open season.

It shall be unlawful to kill, take or capture any bear, of any description, save only from the first day of October to the first day of March next following. Each and every person who shall kill, take or capture any bear, contrary to the provisions of this act, shall be liable on conviction, to a penalty of fifty dollars for each bear or cub taken, killed or captured contrary to the provisions of this section: Provided, That nothing in this act or existing laws shall be so constructed as to prevent owners, tenants or their employers, to kill or destroy * * * squirrels in the act of destroying fruits or cereals. It shall be lawful for the owner or lessee of any real estate in this State to kill, or have killed by any employe or member of his family, on his certain premises, any hare or rabbit at any time, as a protection to cultivated crops, or trees; but for no other purposes, and to kill a bear, of any description, when in the act of inflicting injury to either the person or property of any individ-

Limit.
Hare or rabbit.
Bear.

Fine.

Proviso.

Destructive animals.

Lawful killing of hare and rabbit.

Bear.

in this Commonwealth, or upon proof made by affidavit of one or more persons that the bear in question has, in any manner, injured or damaged the person or property of any individual in this State.

**Purchase,
sale, etc.,
of certain
game-quadrupeds.**

Section 13. No person shall purchase, sell or expose for sale, or have in his possession for any purpose whatsoever, the dead body, or any part thereof, of any game-quadruped, of the kinds enumerated in the preceding section of this act, if the same have been caught, killed or taken within this Commonwealth, save only during the open season for such kinds of game in this State, and for fifteen days thereafter. Each and every person who shall offend against any of the provisions of this section shall be liable to a penalty of ten dollars for the dead body of each hare or rabbit or squirrel and fifty dollars for the body of each bear or cub, or any part thereof, purchased sold, exposed for sale or had in possession for sale.

Penalty.

Open season.

**Plover,
reed-bird,
blackbird,
dove, tattler,
sand-
piper, curlew, or other
shore bird.
Snipe.**

Section 15. The open season for upland or grass plover, within this Commonwealth, shall be from the fifteenth day of July to the first day of December of each year. The open season for rail, reed-bird, blackbird, dove, sandpiper, tattler, curlew, or any other shore bird, shall be from the first day of September to the first day of January next following. The open season for Wilson or jack snipe shall be from the first day of September to the first day of May next following. The open season for coot, or mud-hen shall be from the first day of September to the first day of January next following, and from the first day of April to the sixteenth day of the same month.

**Coot, or
mud-hen.**

**Purchase,
sale, etc.,
of game-
birds named
in section 15.**

Section 16. No person shall purchase, sell, expose for sale, or have in his possession for sale, any of the game-birds of the kind enumerated in the preceding section of this act, caught, killed or taken within this Commonwealth, save only during the open season for such kind of game in this State, and for fifteen days thereafter. Each and every person who shall offend against any of the provisions of this section shall be liable to a penalty of ten dollars for each bird, or the dead body or part thereof, so had in possession. The open season for the coot or mud-hen shall be from the

Penalty.

first day of September to the first day of January next following.

* * * * *
 Section 18. It shall be lawful to trap quail, commonly called Virginia partridge, from the first day of January to the first day of April next following, for the purpose of keeping them alive during the winter, or for the purpose of separating a covey to increase the chances of propagation, but for no other purpose whatever; and quail thus taken shall not be transported from one locality to another locality in this State, except by written permission of the president of the Board of Game Commissioners. All birds thus taken shall be liberated in the spring, as soon as the weather will permit.

Quail, trapping and propagation of.

Section 19. Nothing contained in the laws of this Commonwealth shall be held to impose any penalty upon the transportation of game, in unbroken packages, in transit through this State from another State; or to the shipment out of the State, at any time, of game killed or taken in another State, whether the same be in original packages or otherwise; and no penalty shall attach in any way when game, legally killed in this Commonwealth, is delivered in good faith to an express company, or other common carrier, for transportation from one point to another point in this State, and actually delivered, if necessarily carried out of this State to reach its destination.

Interstate transportation of game.

Section 20. Any person may have in his possession, after the same has been legally killed in this Commonwealth, any game-quadruped or game-bird, of the kinds protected by this act, for a period of fifteen days after the time-limit for killing the same has expired. The possession of the body or skin, or any part thereof, of either a game-quadruped or a game-bird, at any time except during the open season for such game in this State, and fifteen days thereafter, shall in every instance be prima facie evidence that the same is held or possessed in violation of law.

Game in possession in close season.

Section 21. Whenever in this act the word person is used, such word shall be taken to include every person, firm, partnership, institution, association or corporation, or the agent or agents thereof. All words or terms in this act which refer to persons or individuals, and which are in the singular number, shall be taken to include the plural number, and words of the plural number shall include the

Evidence of violation.

The word "person" defined.

singular number. All words of a masculine gender shall be taken to include feminine and neuter genders.

**Disposition
of penalties
collected.**

Section 22. All penalties for violations of the game-laws of this Commonwealth, collected in cases where the prosecutor is a game-protector or deputy-game protector, shall belong to and be the property of the Board of Game Commissioners, and shall be immediately surrendered by the court receiving the same to said prosecuting officer, who shall, as soon as possible thereafter forward or deliver such amount in full to the secretary of said Board, who in turn shall at once deposit said amount to the credit of said Board of Game Commissioners. Whenever any person shall be charged with violating any of the game-laws of this Commonwealth he may, at his discretion, sign an acknowledgment of the offense committed, and pay to any duly appointed and sworn game-protector or deputy game-protector the penalty in full, as fixed by law, with costs to date, and shall receive from said officer a printed receipt therefor, which shall in every instance bear the imprint of the seal of the Board of Game Commissioners and the signature of the secretary, which shall be and remain in full satisfaction of the offense committed.

**Acknowledg-
ment of of-
fense.
Payment of
penalty.**

**Penalties
provided by
existing
laws.**

Section 23. No penalties provided for by existing law for violation of the game-laws of this Commonwealth shall be held to be abolished by this act, but the same shall remain in full force and vigor, and shall be imposed for violations of the provisions of this act so far as the same are applicable thereto.

Repeal.

Section 24. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved—The 22d day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

Creating the Department of State Police; providing for the appointment of a Superintendent thereof, together with the officers and men who shall constitute the force, defining their powers and duties, and making an appropriation for the expenses connected therewith.

**May 2, 1905,
P. L.
561.**

**Depart-
ment of
State Police.
Superin-
tendent.**

Section 1. Be it enacted, &c., That there is hereby created and established the Department of State Police; the head of which shall be the Superintendent of State Police, to be appointed by the Governor by and with the advice and consent of the

Senate, to serve for a term of four years from the date of his appointment, and who shall receive a salary of three thousand dollars per annum, to be paid quarterly upon the warrant of the Auditor General drawn on the State Treasurer.

Section 2. The Superintendent of State Police shall be provided by the Board of Public Grounds and Buildings with suitable offices at the Capitol, in Harrisburg, and shall give a bond to the Commonwealth, in the sum of twenty thousand dollars, for the faithful performance of his duties. He is authorized to appoint a deputy, at a salary of two thousand dollars per annum; one clerk, who shall be a competent bookkeeper, at a salary of fourteen hundred dollars per annum, and a competent stenographer at a salary of twelve hundred dollars per annum.

Section 3. He is also authorized to appoint the State Police Force, which shall consist of four companies, or platoons, each consisting of a captain, at a salary of fifteen hundred dollars per annum, a lieutenant, at a salary of twelve hundred dollars per annum; five sergeants, at a salary of one thousand dollars per annum, and fifty men, at a salary of seven hundred and twenty dollars per annum. No applicant shall be appointed to the State Police until he has satisfactorily passed a physical and mental examination, based upon the standard provided by the rules and regulations of the police force of the cities of the first class, in addition to which each applicant must be a citizen of the United States, of sound constitution, able to ride, of good moral character, and between the ages of twenty-one and forty years.

Section 4. It shall be the duty of the Superintendent of State Police to provide for the members of the Police Force suitable uniforms, arms, equipments, and, where it is deemed necessary, horses; and to make such rules and regulations, subject to the approval of the Governor, as are deemed necessary for the control and regulation of the police force. It shall also be the duty of the Superintendent to establish local headquarters in various places. For that purpose he is hereby authorized to do so, by lease or otherwise, so as best to distribute the force throughout the various sections of the Commonwealth, where they will be most efficient in carrying out the purposes of this act to preserve the peace and to prevent crime.

Superintendent's offices.

Bond.

Deputy, clerk and stenographer.

State Police Force.

How constituted.

Eligibility.

Uniforms, arms, equipments, etc.

Local headquarters.

**Powers of
the police.**

Section 5. The various members of the Police Force are hereby authorized and empowered to make arrests, without warrant, for all violations of the law which they may witness, and to serve and execute warrants issued by the proper local authorities. They are also authorized and empowered to act as forest, fire, game and fish wardens; and, in general, to have the powers and prerogatives conferred by law upon members of the police force of cities of the first class, or upon constables of the Commonwealth; and are intended as far as possible, to take the place of the police now appointed at the request of the various corporations.

Duties.

The State Police Force shall, wherever possible, co-operate with the local authorities in detecting crime, and apprehending criminals, and preserving the law and order throughout the State.

Appropriation.

Section 6. That the sum of four hundred and twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to pay the salaries and expenses necessary to carry this bill into effect; the same to be paid on warrant drawn by the Auditor General upon the State Treasurer, out of moneys in the State Treasury not otherwise appropriated.

Repeal.

Section 7. All acts or parts of acts inconsistent herewith be and they are hereby repealed.

Approved—The 2d day of May, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

Authorizing the Board of Game Commissioners of the Commonwealth of Pennsylvania to establish and maintain, within the Forestry Reservations of this Commonwealth, preserves for the protection and propagation of deer, wild-turkey, partridge, quail, woodcock, and wild-pigeons, and making an appropriation for the purpose of stocking and propagating the same.

May 11, 1905,
P.L.
451.

Game pre-
serves on
forest reser-
vations.

Section 1. Be it enacted, &c., That it shall be lawful for the Board of Game Commissioners of the Commonwealth of Pennsylvania, by and with the consent of the Commissioner of Forestry, to

establish within the State Reservations public game-preserves, for the protection and propagation of deer, wild-turkey, partridge, quail, woodcock and wild-pigeons, subject to such regulations as may be established by the Board of Game Commissioners.

Approved—The 11th day of May, A. D. 1905.
SAML. W. PENNYPACKER.

AN ACT

Creating a reward or bounty for the destruction of certain noxious animals, killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same by the several counties of the Commonwealth, which, in turn, are to be reimbursed by the Commonwealth; making an appropriation for such reimbursement; and providing penalties for violation of its several provisions.

Section 1. Be it enacted, &c., That from and after the passage of this act, there shall be paid by the Commonwealth of Pennsylvania a reward or bounty for the killing, within the Commonwealth, of certain noxious animals as follows: For each wildcat, the sum of four dollars; for each fox, the sum of two dollars; for each weasel or mink, the sum of one dollar.

Section 2. It shall be the duty of any person, who having killed one of these animals within the Commonwealth and being desirous of securing the reward or bounty named in section one of this act, to produce such slain animal, or the entire pelt thereof, before any magistrate or alderman or justice of the peace of the county in which said animal was killed, and to make affidavit that he killed the same; stating clearly the time of such killing, and that the place at which such animal was killed (naming it) was within the Commonwealth of Pennsylvania. Upon the production of such animal or pelt, and the making of such affidavit, the magistrate or alderman or justice of the peace, as may be, shall, in the presence of the party making such affidavit and at least one elector of the county in which the claim is made, cut off the ears from such animal or pelt, and burn the same.

April 10,
1907, P. L.
62.

Bounty.

Wildcat,
fox, mink,
weasel.

Production
of slain
animal or
pelt.
Affidavit.

Duty of
officials.

- Certificate.** Section 3. Upon the destruction of such ears, the said official shall give to the party making such affidavit a certificate, directed to the commissioners of the county in which he has jurisdiction; setting forth clearly the fact that the provisions of this act having been complied with, naming the kind of animal killed, the name of the person killing it, the time it was killed, and the name of the place within the Commonwealth where it was thus killed. Upon the presentation of such certificate, in proper form, the commissioners of the county shall give an order for the amount named in such certificate to the person presenting the same, drawn upon the county treasurer, directing the payment of the reward or bounty as provided for by this act; and the county treasurer shall at once, upon presentation of such order, pay the same from the funds in his hands belonging to said county.
- Order.**
- Report of county commissioners.** Section 4. The county commissioners of the several counties of this Commonwealth shall keep an accurate account of all applications made to them for bounty under the provisions of this act, and shall, on or about the first day of January and the first day of June, of each year, prepare and forward to the Auditor General of the Commonwealth, at Harrisburg, an itemized statement, to be prepared upon a form supplied by the Auditor General, of all the several amounts directed by them to be paid between the aforesaid dates, and under the provisions of this act, making affidavit thereto; and accompanying the same by a sworn statement of the county treasurer, setting forth the fact that the several amounts were actually paid by him, in compliance with said orders; and the Auditor General shall, if he finds the before-named return in proper form, draw a warrant in favor of such county upon the State Treasurer, for the amount so claimed and approved; which said warrant, upon presentation to the State Treasurer, shall be paid out of the appropriation hereinafter provided.
- Statement.**
- Warrant.**
- Violations.** Section 5. Any person who shall wilfully or fraudulently collect, or attempt to collect, any reward or bounty provided for by this act, to which he or they are not legally entitled under the provisions of this act; or shall aid or abet, or assist in any capacity, official or otherwise, in an attempt to defraud the State through the collection

or payment of any reward or bounty provided for by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay to the Commonwealth of Pennsylvania a penalty of not less than one hundred dollars or more than five hundred dollars, or suffer an imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Fine and penalty.

Section 6. That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated for the purpose of carrying into effect the provisions of this act.

Appropriation.

Section 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved—The 10th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

Regulating the hunting and killing and possession of wild water-fowl in the Commonwealth of Pennsylvania, and prescribing penalties for the violation of its provisions.

April 15, 1907, P. L. 62.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person to kill, within this Commonwealth, any wild goose or swan or wild duck, of any description, or any wild bird belonging to the family Anatidae or to the family Podicipidae, and generally known as wild water-fowl, except from the first day of September to the tenth day of April, next following; during which time, excepting on Sundays, such wild water-fowl, of all descriptions, may be killed without limit, either daily or otherwise. Each and every person who shall violate any of the provisions of this section shall be liable to a penalty of ten dollars for each bird killed or taken, or suffer an imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Wild water-fowl, killing of.

Open season.

Fine and penalty.

Section 2. It shall be unlawful to hunt or pursue any wild water-fowl, protected by law, from or with any craft propelled by any means other than

Unlawful use of water-craft.

Penalty.	oars, pole, or hand-paddles. Any person using such forbidden craft or boat for such purpose, or the captain or owner, or other person in charge, of such boat or craft, who shall allow or knowingly permit the same to be used contrary to the provisions of this section while he is on board, shall be liable to the penalties herein imposed. Each and every person who shall violate any provision of this section shall be liable to a penalty of fifty dollars per day for each day on which any forbidden craft or boat may be used to hunt or pursue wild water-fowl, and ten dollars for each other contrivance or device set, placed, or carried contrary to the provisions of law. All boats, decoys, guns, shooting paraphernalia, or other contrivances or devices of whatsoever description, used by any person or persons in violation of the provisions of this section, or in violation of any of the provisions of the game laws of this Commonwealth, shall, upon the fine imposed and costs be paid, be forfeited to the Board of Game Commissioners, who shall destroy or sell the same at their pleasure, and apply the fund thus arising to the purposes of their appointment.
Forfeiture of boats, guns, etc.	
Game in possession in close season.	Section 3. Any person may have in his possession, after the same has been legally killed in this Commonwealth, any game-bird of the kinds protected by this act, for a period of fifteen days after the time limit for killing the same has expired. The possession of the body or skin, or any part thereof, of a game-bird, at any time except during the open season for such game in this State, and fifteen days thereafter, shall in every instance be prima facie evidence that the same is held or possessed in violation of law: Provided, however, That the provisions of this section shall not apply to any game birds mounted for scientific purposes, or game birds killed in the open season and mounted for decorative purposes.
Evidence of violation. Proviso.	
Summary conviction.	Section 4. Each and every magistrate, alderman, and justice of the peace of this Commonwealth shall have the power of summary conviction in all matters pertaining to the enforcement of any of the provisions of this act; and all actions for violation of any of said provisions, excepting where the defendant is taken in the act or in a pursuit immediately following said act, shall be commenced by affidavit, made within one year of the time of the commission of such offense. Each and
Actions.	

every magistrate, alderman, or justice of the peace, on complaint made before him by the affidavit of any person of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, deputy game protector, or any other peace officer of the State whose duty it is to protect the game or wild birds of the State; and to cause such person to be brought before him, the said magistrate, alderman or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged. If the accused be convicted of such offense, he shall be sentenced to pay the penalty prescribed by the section violated, together with the costs of suit. All penalties collected in cases where the prosecutor is a game protector shall be immediately surrendered by the court receiving the same to such prosecutor, who in turn shall, as soon as may be, either deliver or forward such amount to the secretary of the Game Commission, who shall deposit the same in the State Treasury for the use of the Commonwealth. Where any other than a game protector is the prosecutor, one-half of any penalty thus collected shall belong to such prosecutor, and shall be paid to him by the court receiving same; and the remaining one-half of such penalty shall be forwarded by such court to the county treasurer of the county in which the offense was committed, together with a statement of the cause for which said money was collected. It shall be the duty of each county treasurer to keep a record of the cause for which said money was collected, and to forward the same, at least once a month, to the State Treasurer, for the use of the Commonwealth. Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county, for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, on the conviction of the defendant of such offense, and upon his failure to pay the penalty imposed, to-

Warrant.

Hearing.

Penalties.

Disposition of.

Duty of county treasurers.

Refusal to pay fine.

Commitment.	gether with the costs of prosecution, shall commit such defendant to the common jail of the county for a period of one day for each dollar
Proviso.	of penalty imposed: Provided, That any person charged with a violation of any provision of this act, may, at his discretion, sign an acknowledgment of the offense committed, and pay to the duly authorized and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt which he shall receive therefor, and which in all instances shall bear the imprint of the seal of the Board of Game Commissioners and the signature of its secretary, shall be evidence of a full satisfaction of the offense committed.
Receipt.	
Repeal.	Section 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved—The 15th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

April 15, 1907, P. L. 70.	To provide for the better protection of deer in the Commonwealth of Pennsylvania, and prescribing penalties for violation of its several provisions.
Deer.	Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person to take or kill or wound, or to attempt to take or kill or wound, any deer in this Commonwealth, except from the fifteenth day of November to the first day of December of the same year; or to have a deer so taken or killed, or any part thereof, in possession, except during said open season, and for fifteen days thereafter; or to kill in any one season more than one deer, which in every instance shall be a male deer, with horns. Each and every person violating any provisions of this section shall be liable to a penalty of one hundred dollars, or suffer imprisonment in the county jail for a period of one day for each dollar of penalty imposed.
Open season.	
Violations.	
Fine.	Section 2. That the possession of the dead body of a deer, or of any part thereof, shall, unless the head bearing horns be attached thereto, or

shall be immediately produced upon demand made by any officer of the Commonwealth whose duty it is to protect the game of the State, in all instances be prima facie evidence of a violation of the provisions of this act, and shall render the person in whose possession or under whose control the same may be found liable to the penalty imposed by this act for the killing of a deer, other than a male deer with horns.

Prima facie evidence.

Section 3. Each and every magistrate, alderman, and justice of the peace of this Commonwealth shall have the power of summary conviction in all matters pertaining to the enforcement of any of the provisions of this act; and all actions for violation of any of the said provisions, excepting where the defendant is taken in the act or in a pursuit immediately following said act, shall be commenced by affidavit made within one year of the time of the commission of such offense. Each and every magistrate, alderman, or justice of the peace, on complaint made before him, by the affidavit of any person, of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, deputy game protector, or any other peace officer of the State whose duty it is to protect the game or wild birds of the State, and to cause such person to be brought before him, the said magistrate, alderman, or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged. If the accused be convicted of such offense, he shall be sentenced to pay the penalty prescribed by the section violated, together with the costs of suit. All penalties collected in cases where the prosecutor is a game protector shall be immediately surrendered by the court receiving the same to such prosecutor, who in turn shall, as soon as may be, either deliver or forward such amount to the secretary of the Game Commission, who shall deposit the same in the State Treasury, for the use of the Commonwealth. Where any other than a game protector is the prosecutor, one-half of any penalty thus collected shall belong to such prosecutor, and shall be paid to him by the court receiving same, and the remaining one-half of such penalty shall be forwarded by such court to the county treas-

Summary conviction.

Affidavit.

Authority of magistrates, aldermen and justices of the peace.

Warrant.

Hearing.

Convictions.

Disposition of fines collected.

Duty of county treasurers.	urer of the county in which the offense was committed, together with a statement of the cause for which said money was collected. It shall be the duty of each county treasurer to keep a record of the cause for which said money was collected, and to forward the same, at least once a month, to the State Treasurer, for the use of the Commonwealth. Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county, for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, on the conviction of the defendant of such offense, and upon his failure to pay the penalty, together with the costs of prosecution, shall commit such defendant to the common jail of the county for a period of one day for each dollar of penalty imposed: Provided, That any person charged with a violation of any provision of this act may, at his discretion, sign an acknowledgment of the offense committed, and pay to the duly authorized and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt which he shall receive therefor, and which in all instances shall bear the imprint of the seal of the Board of Game Commissioners and the signature of its secretary, shall be evidence of a full satisfaction of the offense committed.
Refusal to pay fine.	
Penalty.	
Commitment.	
Proviso.	
Acknowledgment of offense.	
Receipt.	
Repeal.	Section 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved—The 15th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

To provide for the taking or killing of rabbits or hares in this Commonwealth, and prescribing penalties for violation of its several provisions.

April 15,
1907, P. L.
72.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful to take or kill rabbits or hares in this Commonwealth, except from the fifteenth day of October to the first day of December of each year; or to have in possession the dead body of a rabbit or hare, taken in this Commonwealth, except during said open season, and for a period of fifteen days thereafter, unless the same are killed by land owners to whom they are doing damage: Provided, That rabbits or hares may be taken or killed in this Commonwealth in any manner, during said open season, except through or with the aid of a ferret. Each and every person violating any provision of this section shall be liable to a penalty, of ten dollars for each rabbit or hare so taken, or suffer imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Rabbits and
hares.

Open season.

Provided.

Fine.

Section 2. Each and every magistrate, alderman, and justice of the peace of this Commonwealth shall have the power of summary conviction in all matters pertaining to the enforcement of any of the provisions of this act; and all actions for violation of any of said provisions, excepting where the defendant is taken in the act or in a pursuit immediately following said act, shall be commenced by affidavit made within one year of the time of the commission of such offense. Each and every magistrate, alderman, or justice of the peace, on complaint made before him, by the affidavit of any person, of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, deputy game protector, or any other peace officer of the State whose duty it is to protect the game or wild birds of the State, and to cause such person to be brought before him, the said magistrate, alderman, or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged. If

Summary
conviction.

Affidavit.

Authority of
magis-
trates, al-
dermen and
justices of
the peace.

Warrant.

Hearing.

Convictions.	the accused be convicted of such offense, he shall be sentenced to pay the penalty prescribed by the section violated, together with the costs of suit.
Disposition of fines collected.	All penalties collected in cases where the prosecutor is a game protector, shall be immediately surrendered by the court receiving the same to such prosecutor, who in turn shall, as soon as may be, either deliver or forward such amount to the secretary of the Game Commission, who shall deposit the same in the State Treasury, for the use of the Commonwealth. Where any other than a game protector is the prosecutor, one-half of any penalty thus collected shall belong to such prosecutor, and shall be paid to him by the court receiving same, and the remaining one-half of such penalty shall be forwarded by such court to the county treasurer of the county in which the offense was committed, together with a statement of the cause for which said money was collected. It shall be the duty of each county treasurer to keep a record of the cause for which said money was collected, and to forward the same, at least once a month, to the State Treasurer, for the use of the Commonwealth. Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county, for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, on the conviction of the defendant of such offense, and upon his failure to pay the penalty imposed, together with the costs of prosecution, shall commit such defendant to the common jail of the county for a period of one day for each dollar of penalty imposed: Provided, That any person charged with a violation of any provision of this act may, at his discretion, sign an acknowledgment of the offense committed, and pay to the duly authorized and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt which he shall receive therefor, and which in all instances shall bear the imprint of the seal of the Board of Game Commissioners and the sig-
Duty of county treasurers.	
Refusal to pay fine.	
Penalty.	
Commitment.	
Proviso.	

nature of its secretary, shall be evidence of a full satisfaction of the offense committed.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed. Repeal.

Approved—The 15th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

To amend sections six and twenty-three of the act, entitled "An act to provide for the protection and preservation of game, game-quadrupeds and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," approved the twenty-second day of April, Anno Domini one thousand nine hundred and five; changing the open season for ruffed-grouse, commonly called pheasant; prohibiting the killing of game birds in the nighttime; limiting the kind of guns to be used in killing game; regulating prosecutions for the violation of the provisions of this act, and the disposition of the fines and penalties imposed therefor.

April 15,
1907, P. L.
74.

Section 1. Be it enacted, &c., That from and after the passage of this act, section six of an act, entitled "An act to provide for the protection and preservation of game, game-quadrupeds and game-birds, and song and insectivorous and other wild birds, and prescribing penalties for violation of its several provisions," approved the twenty-second day of April, Anno Domini one thousand nine hundred and five, which now reads as follows:

Game,
game-birds,
ets.

"The open season for woodcock, in this Commonwealth, shall be from the first day of October to the first day of December of each year. The open season for ruffed-grouse, commonly called pheasants; wild-turkey, prairie-chicken; English, Mongolian or Chinese pheasant, shall be from the fifteenth day of October to the first day of December of each year; and the open season for quail, commonly called Virginia partridge, shall be from the first day of November to the first day of December of each year. It shall be unlawful, at any time, to shoot or injure quail when bunched

Section 6,
act of April
22, 1905,
cited for
amendment.

upon the ground," be amended to read as follows:—

Open season.

Woodcock and ruffed grouse.

Wild-turkey, prairie-chicken and pheasant.

Quail.

Violations.

Penalty.

Section 23, act of April 23, 1906, cited for amendment.

Summary conviction.

Affidavit.

The open season for woodcock, and ruffed grouse, commonly called pheasant, shall be from the first day of October to the first day of December of each year. The open season for wild-turkey, prairie-chicken; English, Mongolian or Chinese pheasant, shall be from the fifteenth day of October to the first day of December of each year. The open season for quail, commonly called Virginia partridge, shall be from the first day of November to the first day of December of each year; and it shall be unlawful to shoot or injure quail when bunched upon the ground; or to hunt for or to kill any of the game-birds, protected by this act, during the nighttime; or to kill game of any kind, within this Commonwealth, through or by the use of a gun of any kind other than is usually raised at arm's length and fired from the shoulder. Each and every person violating any provision of this act shall be liable to a penalty of twenty-five dollars for each bird—named in this act—or any part thereof, killed, wounded, or had in possession contrary to its provisions, or suffer imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Section 2. That Section twenty-three of said act, which reads as follows:—

"Section 23. No penalties provided for by existing law for violation of the game-laws of this Commonwealth shall be held to be abolished by this act, but the same shall remain in full force and vigor, and shall be imposed for violations of the provisions of this act so far as the same are applicable thereto," be and the same is hereby amended to read as follows:—

Section 23. Each and every magistrate, alderman, and justice of the peace of this Commonwealth shall have the power of summary conviction in all matters pertaining to the enforcement of any of the provisions of this act; and all actions for violation of any of said provisions, excepting where the defendant is taken in the act or in a pursuit immediately following said act, shall be commenced by affidavit made within one year of the time of the commission of such offense. Each and every magistrate, alderman, or justice of the peace on complaint made before him, by the affi-

davit of any person, of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, deputy game protector, or any other peace officer of the State whose duty it is to protect the game or wild birds of the State, and to cause such person to be brought before him, the said magistrate, alderman, or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged. If the accused be convicted of such offense, he shall be sentenced to pay the penalty prescribed by the section violated, together with the costs of suit. All penalties collected in cases where the prosecutor is a game protector shall be immediately surrendered by the court receiving the same to such prosecutor, who in turn shall, as soon as may be, either deliver or forward such amount to the Secretary of the Game Commission, who shall deposit the same in the State Treasury, for the use of the Commonwealth. Where any other than a game protector is the prosecutor, one-half of any penalty thus collected shall belong to such prosecutor, shall be paid to him by the court receiving same, and the remaining one-half of such penalty shall be forwarded by such court to the county treasurer of the county in which the offense was committed, together with a statement of the cause for which said money was collected. It shall be the duty of each county treasurer to keep a record of the cause for which said money was collected, and to forward the same, at least once a month, to the State Treasurer, for the use of the Commonwealth. Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county, for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, on the conviction of the defendant of such offense, and upon his failure to pay the penalty imposed, together with the costs of prosecution, shall commit such defendant to the common jail of the county, for a period of one day for each dollar of

Authority of magistrates, aldermen and justices of the peace.
Warrant.

Hearing.

Convictions.

Disposition of fines.

Duty of county treasurer.

Refusal to pay fine.

Penalty.

Commitment.

- Proviso.** penalty imposed: Provided, That any person charged with a violation of any provision of this act may, at his discretion, sign an acknowledgment of the offense committed, and pay to the duly authorized and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt which he shall receive therefor, and which in all instances shall bear the imprint of the seal of the Board of Game Commissioners and the signature of its secretary, shall be evidence of a full satisfaction of the offense committed.
- Receipt.**
- Repeal.** Section 3. All acts or parts of acts inconsistent with this act are hereby repealed.
 Approved—The 15th day of April, A. D. 1907.
 EDWIN S. STUART.

AN ACT

Giving additional protection to the game of the State and wild birds, within the limits of "preserves" created under the provisions of the act of May eleventh, one thousand nine hundred and five, and under the control of the Board of Game Commissioners; and prescribing penalties for violation of its several provisions.

April 15,
1907, P. L.
76.

Game and
wild bird
"preserves."
Perpetual
close season.

Section 1. Be it enacted, &c., That from and after the passage of this act, there shall be a perpetual close season for game of all kinds and for wild birds found upon such tracts of land, within the Forestry Reservations of the Commonwealth, as may be set apart by the Department of Forestry to the use of the Board of Game Commissioners as preserves, under the provisions of the act of May eleventh, nineteen hundred and five, entitled "An act authorizing the Board of Game Commissioners of the Commonwealth of Pennsylvania to establish and maintain, within the Forestry Reservations of this Commonwealth, preserves for the protection and propagation of deer," et cetera: Provided, Said lands shall be surrounded by a well-defined fire line, or cleared strip of land, and by at least one wire, with notices posted in conspicuous places calling attention to the fact that the land within the limits of said wire belongs to the Commonwealth of Pennsylvania, and has been set

Proviso.
Fire-line
and notices.

apart to the use of the Board of Game Commissioners as a preserve, or a haven of refuge, into which game of all kinds and wild birds can retreat and be safe at all times: Provided, That none of these preserves shall exceed a circumference of nine miles, or shall be located within twenty-five miles of each other.

Section 2. That it shall be unlawful to hunt for or catch or kill or wound or drive, or attempt to catch or kill or wound or drive, any animal or any wild bird within the limits of such preserve, established within the Commonwealth, or for any person to carry firearms within the limits of such preserve, or to take a dog of any kind upon such preserve, or to go either with or without firearms upon such preserve, during what is known as the open season for game in this Commonwealth.

Section 3. Each and every person violating any provision of this act shall be liable to a penalty of twenty-five dollars for going upon said land at a time, for a purpose, or in a manner prohibited by this act, or suffer an imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Each and every person violating any of the provisions of this act, by the killing or wounding of game within the limits of such preserve, shall be liable to a penalty of one hundred dollars for each deer killed or wounded, fifty dollars for each bear killed or wounded, and twenty-five dollars for each ruffed-grouse, wild-turkey or quail killed or wounded; or suffer imprisonment in the common jail of the county, for a period of one day for each dollar of penalty imposed: Provided, That nothing in this act shall be so construed to prevent any citizen of this Commonwealth from going upon said lands, without firearms, at any time during what is known as the close season for game in this Commonwealth; or to prevent any member of the Department of Forestry, or to prevent any member of the Board of Game Commissioners, or any employe of either of these before-named bodies, from going upon said lands in any manner, at any time, with firearms or otherwise, for the purpose of fighting fire, or for any purpose in compliance with the requirements of their official duty.

Section 4. Each and every magistrate, alderman, and justice of the peace of this Commonwealth shall have the power of summary conviction in all

Proviso.
Limit and
location of
preserves.

Hunting,
etc., forbid-
den.

Carry of
fire-arms,
etc.

Violations.

Fine and
penalty.

Killing or
wounding
game.

Penalties.

Proviso.

Summary
conviction.

matters pertaining to the enforcement of any of the provisions of this act; and all actions for violation of any of said provisions, excepting where the defendant is taken in the act or in a pursuit immediately following said act, shall be commenced by affidavit made within one year of the time of the commission of such offense. Each and every magistrate, alderman, or justice of the peace, on complaint made before him, by the affidavit of any person, of a violation of any of the provisions of this act by any person, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, deputy game protector, or any other peace officer of the State whose duty it is to protect the game or wild birds of the State, and to cause such person to be brought before him, the said magistrate, alderman, or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged. If the accused be convicted of such offense, he shall be sentenced to pay the penalty prescribed by the section violated, together with the costs of suit. All penalties collected in cases where the prosecutor is a game protector shall be immediately surrendered by the court receiving the same to such prosecutor, who in turn shall, as soon as may be, either deliver or forward such amount to the secretary of the Game Commission, who shall deposit the same in the State Treasury, for the use of the Commonwealth. Where any other than a game protector is the prosecutor, one-half of any penalty thus collected shall belong to such prosecutor, and shall be paid to him by the court receiving same, and the remaining one-half of such penalty shall be forwarded by such court to the county treasurer of the county in which the offense was committed, together with a statement of the cause for which said money was collected. It shall be the duty of each county treasurer to keep a record of the cause for which said money was collected, and to forward the same, at least once a month, to the State Treasurer, for the use of the Commonwealth. Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county, for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or

Affidavit.

Authority given magistrates.

Warrant.

Hearing.

Convictions.

Disposition of fines.

Duty of county treasurers.

Refusal to pay.

Penalty.

more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, on the conviction of the defendant of such offense, and upon his failure to pay the penalty imposed, together with the costs of prosecution, shall commit such defendant to the common jail of the county for a period of one day for each dollar of penalty imposed: Provided, That any person charged with a violation of any provision of this act may, at his discretion, sign an acknowledgment of the offense committed, and pay to the duly authorized and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt which he shall receive therefor, and which in all instances shall bear the imprint of the seal of the Board of Game Commissioners and the signature of its secretary, shall be evidence of a full satisfaction of the offense committed.

Commitment.

Proviso.

Receipt.

Section 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved—The 15th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

To provide for the better protection and preservation of song and insectivorous birds, and other wild birds, and providing penalties for violation of its several provisions.

May 8, 1907,
P. L.
186.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person in this Commonwealth, except as hereinafter provided for in this act, and as provided for in section four of the act of April twenty-second, Anno Domini one thousand nine hundred and five, entitled "An act to provide for the protection and preservation of game, game-quadrupeds and game-birds, and song and insectivorous and other wild birds," et cetera, to take, kill, wound, or have in possession living or dead, any wild bird other than a game-bird, or to offer or

Wild birds,
other than
game-birds.

Killing,
wounding,
or possession
of.

	expose the same for sale; or to transport or ship, or to attempt to transport or ship, from this Commonwealth, any of the wild birds, or parts thereof, protected by this act: Provided, however, That the blue-jay, the English sparrow, the European starling, the kingfisher, coopers-hawk, sharp-shinned hawk, goshawk, duck hawk, pigeon hawk, the great-horned owl, barred owl, the crow, and the raven shall not be protected by any law of this Commonwealth, and may be killed at any time. No law in this Commonwealth shall be construed to prevent the keeping of birds in cages, as domestic pets, that have been legally imported from foreign countries or from other States, or the offspring of such legally imported birds raised in captivity, so long as such birds are not of a kind found in a wild state within the limits of this Commonwealth; or to prevent the possession of the tanned or cured skin, or any part thereof, of any wild bird legally taken in this Commonwealth, or brought into this Commonwealth from any other country or State, in which the same was legally taken or from which the same was legally exported. Whoever shall offend against any provision of this section shall be liable to a penalty of ten dollars for each bird taken, killed, wounded, or had in possession, sold or offered for sale, or suffer imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed. Nothing in this act shall be construed to prevent the killing, within the Commonwealth, of a bird of any kind other than a game-bird, when such bird is found destroying or attempting to destroy fruits or berries, or other valuable property.
Proviso.	
Unprotected birds.	
The law construed.	
Violations.	
Fine.	
Destructive birds.	
Nests and eggs.	Section 2. Except as provided for in section four of the before-cited act of April twenty-second, one thousand nine hundred and five, no person within this Commonwealth, for any purpose or reason whatever, shall take, or have in possession or under control, either the nest, or any egg found therein, of any wild bird protected by the laws of this Commonwealth, or shall intentionally interfere with or destroy any such nest or egg. Whoever shall offend against any provision of this section shall be liable to a penalty of ten dollars for each nest of a wild bird, other than a game-bird, either interfered with or destroyed; and shall be liable to a penalty of fifty dollars for each nest

of a game-bird either interfered with or destroyed; or suffer imprisonment in the common jail for a period of one day for each dollar of penalty imposed. **Fine.**

Section 3. The possession by any person within this Commonwealth of a living or dead bird of a kind protected by this act, or the possession of the fresh skin, or of any part thereof, or of the egg, of any such bird, shall be prima facie evidence that the same was taken or held contrary to the provisions of law, and shall render each person, in whose possession or under whose control the same shall have been found, liable to the penalties imposed for violation of some provision of this act. **Possession.**
Prima facie evidence.

Section 4. Each and every magistrate, alderman, and justice of the peace in this Commonwealth shall have power of summary conviction in all matters pertaining to a violation of any provision of this act; and all prosecutions for violation of any of the provisions thereof, except where the defendant is taken in the act of violating the law or in pursuit immediately following such violation, shall be commenced by affidavit made within one year from the date of the commission of such offense; and each and every magistrate, alderman, and justice of the peace of this Commonwealth, on complaint made before him, by affidavit of any person, of a violation of any provision of this act by any person, is authorized and required to issue his warrant, under his hand and official seal, directed to any constable or police officer or game protector, or other officer of the State whose duty it is to protect the game and wild birds of the State, and to cause such person to be brought before such magistrate, alderman, or justice of the peace, who shall hear the evidence and determine the guilt or innocence of the person charged; and if the accused be convicted of such offense, he shall be sentenced to pay the full penalty prescribed by the section violated, together with the costs of prosecution. All penalties collected in cases where the prosecutor is a game protector shall be immediately surrendered by the court receiving the same to the prosecutor, who in turn shall, as soon as may be, forward or deliver the same to the secretary of the Board of Game Commissioners, who shall at once deposit said money with the State Treasurer, for the use of the Commonwealth. Where any other than such game **Summary conviction.**

Affidavit.

Warrant.

Hearing.

Disposition of fines.

Duty of county treasurer.	protector is the prosecutor, one-half of any penalty thus recovered shall belong to such prosecutor, and shall be surrendered to him, and the remaining one-half shall be forwarded to the treasurer of the county in which the offense was committed, together with a statement of the cause for which said money shall have been collected. It shall be the duty of the said county treasurer to keep a record of the cause for which any money thus returned to him may be collected, and to forward the fund thus arising, at least once a month, to the State Treasurer, at Harrisburg, for the use of the Commonwealth.
Refusal to pay fine.	Any defendant refusing to pay the penalty imposed, together with the costs of prosecution, shall be committed to the common jail of the county for a period of one day
Penalty.	for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, upon a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which said court, upon the conviction of the defendant of such offense, and upon failure to pay the penalty imposed, together with the costs of prosecution, shall commit such defendant to the common jail of the county for a period of one day for each dollar of penalty imposed: Provided, That any person charged with a violation of any provision of this act, may, at his discretion, sign an acknowledgment of the offense committed, and pay to the
Commitment.	duly appointed and sworn game protector or deputy game protector the penalty in full, as fixed by the section violated, with costs to that date; and the printed receipt given therefor, which in every instance shall bear the imprint of the seal of the Board of Game Commissioners and the signature of its secretary, shall be evidence in full satisfaction of the offense therein named.
Proviso.	Section 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
Acknowledgment of offense.	Approved—The 8th day of May, A. D. 1907.
Receipt.	EDWIN S. STUART.
Repeal.	

An ACT

Prohibiting the use of automatic guns, for the killing of game or wild-birds within this Commonwealth, and prescribing a penalty for violation of its provisions.

May 31, 1907,
P. L.
329.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person to use what is commonly known as an automatic gun for the killing of game in this Commonwealth. Each and every person violating any provision of this section shall be liable to a penalty of fifty dollars for each offense, or shall suffer an imprisonment in the common jail of the county for a period of one day for each dollar of penalty imposed.

Automatic
guns.

Killing of
game.
Violations.
Penalty.

Section 2. Each and every magistrate, alderman, and justice of the peace, within this Commonwealth, shall have the right of summary conviction in all matters pertaining to violation of the provisions of this act, and all prosecutions for violation of any of its provisions shall be conducted, and the penalties disposed of, in manner and form as is now prescribed by law for violation of the game laws of this Commonwealth.

Summary
conviction.

Approved—The 31st day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

Supplementary to "An act for the taxation of dogs and the protection of sheep," approved the twenty-fifth day of May, Anno Domini one thousand eight hundred and ninety-three; requiring all dogs to wear a collar, to be provided by the owner, together with a tag to be attached thereto showing payment of tax; imposing certain duties upon constables, tax collectors, and county commissioners; and providing for the killing of dogs whose owners fail to comply with this act and the act to which this is a supplement.

Act June 1,
1907, P. L.
362.

Section 1. Be it enacted, &c., That hereafter all dogs, made taxable by the act to which this is a supplement, shall be required to wear, at all times,

Dogs.

Collar and tag.	a substantial collar, to which shall be attached the tag hereinbefore mentioned; said collar to be furnished by the owner of said dog or dogs; and said tag to be furnished by the county commissioners, and to be paid for by them, out of the fund realized from the taxation of dogs.
County commissioners to furnish tags.	Section 2. The county commissioners of the several counties shall prepare and furnish, annually, to the several tax collectors of the county metal tags, to be given by said tax collectors to the owners of dogs when said owners shall pay the tax assessed upon said dogs. Upon one side of said tags shall be stamped, in raised letters, the following "Dog tax for _____ (naming the year), paid."
Tax.	
Stamp on tag.	
Attachment of tag.	Section 3. At the time of payment of dog tax by the owner of such dog, the tax collector shall give to said owner one of said tags, prepared for the year for which said tax is paid, which said tag shall thereupon be attached to the collar of the dog for which said tax was paid by the owner of said dog.
Neglect to comply with act.	Section 4. Should the owner of any dog or dogs neglect to pay the tax assessed for said dog or dogs, and to comply otherwise with the provisions of this act during the year for which said tax is assessed, it shall immediately thereafter be the duty of the proper tax collector to give notice, either written or verbal, to said owner that if he fails to pay said tax, and also to comply with the provisions of sections one and three of this act as to the collar and tag required to worn, within ten days or to kill his dog himself, within said time, that said dog will thereupon be killed by the constable of the proper district.
Notice to owner.	
Killing of dog.	
Default of owner.	Section 5. In case of default by any such owner as to complying with the requirements of this act, and particularly with section four as to payment of tax, wearing collar and tag, and killing his said dog, it shall thereupon be the duty of the tax collector of said district, and shall also be the right and privilege of any citizen of the proper district, to notify the proper constable of the said district of such failure and default, and that it thereupon becomes the duty of said constable to kill said dog. And in either case, it shall thereupon be the duty of such constable to kill all such dogs; and for such service said constable shall be entitled to receive for each dog killed by him, from the county
Notice to constable.	
Duty of constable.	

commissioners, out of the fund realized from the taxation of dogs, the sum of fifty cents. Fee.

Section 6. Every person keeping dog or dogs about his house or premises, permitting such dog or dogs to stay about his house or premises, shall be taken and deemed to be the owner of such dog or dogs, for all the purposes of this act. "Owner" defined.

Section 7. All acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repeal.

Approved—The 1st day of June, A. D. 1907.

EDWIN S. STUART.

This is not a game law and is placed in this book simply for information.

AN ACT

Making it lawful to expose for sale and to sell in all markets, public or private, in this Commonwealth, the domesticated rabbit, otherwise known as the Belgian hare. Act of June 6, 1907, P. L. 422.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful to expose for sale and to sell in any markets, public or private, within this Commonwealth, the domesticated rabbit, otherwise known as the Belgian hare, from the first day of October to the fifteenth day of April, of each and any year. Rabbit, domesticated, or Belgian hare. Lawful to expose for sale and to sell.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed. Season. Repeal.

Approved—The 6th day of June, A. D. 1907.

EDWIN S. STUART.

AN ACT

Act 1907, P.
L.
762.
775.

To provide for the ordinary expenses of the Executive, Judicial and Legislative Departments, of the Commonwealth, interest on the public debt, and the support of the public schools, for the two fiscal years beginning June first, one thousand nine hundred and seven, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year, ending May thirty-first, one thousand nine hundred and seven.

* * * * *

Board of Game Commissioners.

For the payment of the salary of the Chief Game Protector, who is secretary of said Board, two years, the sum of four thousand dollars (\$4,000.00).

For the payment of the salary of the Assistant Chief Game Protector, who is also a stenographer, two years, the sum of one thousand eight hundred dollars (\$1,800.00).

For the payment of the salary of one game protector, termed a Traveling Protector, two years, the sum of two thousand dollars (\$2,000.00).

For the payment of the salary of seven additional game protectors, at the rate of fifty dollars per month, two years, the sum of eight thousand four hundred dollars (\$8,400.00).

For the payment of traveling and other necessary expenses of these ten game protectors, and for the payment of services rendered or expenses incurred by either deputy game protector or a special deputy game protector, under the specific and written order of the Chief Game Protector, and incidental office expenses, two years, the sum of twenty-four thousand dollars (\$24,000.00).

The appropriation to be paid quarterly, to the president of the Board of Game Commissioners, upon the presentation of duly certified vouchers of the expenditure of money previously drawn, and satisfactory proof to the Auditor General, that the expenditure is necessary for the enforcement of the laws of the Commonwealth, relative to the protection of game, of song and of insectivorous birds.

AN ACT

Making an appropriation to pay for the collection, revising, indexing, and proofreading of the material contained in the pamphlet known as the Game, Fish and Forestry Laws of this Commonwealth.

Act of
June 13,
1907, P. L.
561.

Section 1. Be it enacted, &c., That the sum of three hundred dollars be and the same is hereby specifically appropriated to the use of the Secretary of the Board of Game Commissioners, in payment for services rendered in collecting, revising, indexing, and proof-reading of the material published in the pamphlet known as the Game, Fish, and Forestry Laws of this Commonwealth, the publication of which is directed by joint resolution of the Senate and House of Representatives, and signed by the Governor on the fourteenth day of March, one thousand nine hundred and seven. This amount to be paid upon the warrant of the Auditor General, upon proof made to him that the material for said pamphlet has been prepared and placed in the hands of the State Printer.

Game, fish
and forestry
laws.
Appropriation.
Revision of
pamphlets.

Approved—The 13th day of June, A. D. 1907.

EDWIN S. STUART.

BOARD OF GAME COMMISSIONERS.

Jas. H. Warden, President, Harrisburg; C. K. Sober, Lewisburg; W. Haywood Meyers, Williamsport; Dr. Chas. B. Penrose, Philadelphia; Frank G. Harris, Clearfield; John M. Phillips, Pittsburg.

NOTICE.

Commonwealth of Pennsylvania,
Office of the Board of Game Commissioners,
Harrisburg, Pa., June 1, 1907.

The Game Commission of Pennsylvania wishes it to be fully and distinctly understood that they are trying to interpret and enforce the game laws of this State according to their idea of the spirit and purpose, rather than the exact wording. For instance, the law says that no person shall have a game bird in possession except during a certain season, nor shall anyone have in possession at any time a bird of a kind, known as "a wild-bird other than a game bird," excepting under the provisions of law. If upon investigation it develops that a bird of either of these kinds was taken into possession through a spirit of kindness and with the intent to benefit or to save the life of a suffering bird, we will construe this action to be in accord with what we understand to be the purpose of the law. Namely, a step toward the preservation and protection of our birds, and one that should be commended rather than condemned.

Again, while the letter of the law permits the Game Commission or its duly authorized officers to do certain things that it forbids the ordinary citizen to do, we construe this to be a provision intended to benefit the Commonwealth and not intended to benefit the officer, and will in no instance permit such officer to exercise a privilege of this kind for personal profit. We will not permit one of our officers to lead an innocent person into temptation for the purpose of collecting a penalty—either for his own use or for the use of this office. For instance, the law gives game protectors, for the purpose of securing evidence, the right to buy or sell certain game, that may not be bought or sold for any purpose by any other individual in the State under a penalty of twenty-five dollars. A country boy may kill a pheasant, and a dollar to him may exceed several times over the value of the bird. We will not permit any of our officers to lead such a person into a violation of the law for the purpose of collecting a penalty. Neither

will we, for the purpose of making a case, permit an officer to sell game to an unwary and entirely innocent individual, who may be hunting. But where we are led to believe persons are wilfully and deliberately violating the law, either through the purchase or sale of game of a kind, the purchase or sale of which is forbidden, we feel that it devolves upon us to break up such practice, and will do our best to secure the necessary evidence to attain that end.

These illustrations cover the principle we have adopted as our guide. We are striving to preserve the game and wild birds of the State for the benefit of all people of the State. Wild birds, because of the value of their life work; game birds for the same reason; and in addition, the value to man of an outing in pursuit of such game and its value as a food supply. In conformity with these ideas the Game Commission proposes to prosecute and punish all violators of the game laws that may come to their notice. It will thankfully receive, and hereby earnestly invites any information relative to violations of the game laws of the State. We ask that letters upon the subject be made as comprehensive as may be, giving, as far as possible, the name of the offender, the location, the nature of the offense, and the date upon which it was committed, with the names of witnesses and the post-office addresses of same. The name of any person giving us information in this way will be held strictly confidential.

Respectfully yours,
JOSEPH KALBFUS,
Secretary of the Game Commission.

SUMMARY OF IMPORTANT PROVISIONS OF THE GAME LAWS OF PENNSYLVANIA.

The Game Commissioner has nothing whatever to do with the enforcement of either the fish or forestry laws of this Commonwealth.

All letters on the subject of game, song, or insectivorous birds, should be addressed to the Secretary of the Game Commission, at Harrisburg.

All correspondence with the Game Commission will be held strictly confidential, and the name of no informant will be exposed without his consent.

All game protectors, deputy game protectors and special deputy game protectors of the Commonwealth of Pennsylvania, appointed by the Board of Game Commissioners, also all members of the State police authorized by act of May 2, 1905, page 36 are vested with like powers, and have the right to arrest without warrant, or to search the person or property of any one they may catch in the act of violating any game law of the Commonwealth or whom they may have reasonable cause to suspect of having, within a limited time violated any of said laws.

Constables of the several wards, boroughs and townships of this Commonwealth are ex-officio game wardens, and have the same power throughout the county, wherein they are elected, as have the protectors appointed by the Game Commission.

Constables are liable to fine and imprisonment, where they neglect or refuse to enforce the game laws, after their attention has been called to the matter, in a prescribed form.

Section 5, act of March 22, 1899, page 14.

Any person or persons interfering with a game protector of this Commonwealth in the discharge of his duty, or resisting arrest shall be liable to a penalty of one hundred dollars.

Section 4, Act of May 21, 1901, page 19.

A constable where he is the prosecutor is entitled to one-half of the penalty recovered, and to ten dollars extra from the county, for each conviction secured for violation of the game, fish, or forestry laws.

Any citizen of the Commonwealth has the right to prosecute for violation of the game and fish laws, and is entitled to one-half of all penalties recovered.

There shall be no hunting or shooting on Sunday.

Penalty, \$25. Section 1, act of June 4, 1897, page 10.

The courts have ruled that this section being a part of the game law, was made for the protection of game and wild birds, and not to preserve the sanctity of the Sabbath. That therefore before any one could be convicted of violating this section it must be proved, he hunted for or shot at something protected by the act.

It is illegal to catch, kill or have in possession, either living or dead (except as specifically permitted by the act), any of the wild birds of the State, other than game birds.

Section 1 of the act of May 8, 1907, page 55.

The exceptions mentioned by the act above cited are birds that may be taken for the purpose of scientific study through the authority conferred by a certificate to be secured from the Board of Game Commissioners, and certain birds considered harmful, the English sparrow, the starling, the blue-jay, the king-fisher, the goshawk, coopers hawk, sharp-shinned hawk, duck hawk, pigeon hawk, great horned owl, the barred owl, the crow and raven specifically mentioned in the act, are not protected and may be killed at any time.

Sec. 1, Act May 8, 1907, page 55.

The destruction of birds nests and their eggs is prohibited.

Penalty \$50 for game birds, \$10 for other birds.

Section 2, act of May 8, 1907, page 56.

The killing or taking of all game, except with a gun, is illegal.

Excepting that rabbits may be taken in season in any manner, except through the use of a ferret.

Section 1, act April 15, 1907, page 47.

Penalty \$50.

Section 9, act of June 4, 1897, page 12.

The use of what is commonly known as the automatic gun for killing game in Pennsylvania is prohibited. This applies to all kinds of automatic guns, rifle as well as shot guns.

But does not apply to pump guns or lever guns, or to any gun except those that through the recoil produced by the discharge of a loaded shell, ejects the empty shell, throws a loaded shell into the barrel and cocks the gun.

Act of May 31, 1907, page 59.

It is illegal to kill game by or through the use of any gun, except those of a kind that are usually raised at arms length and fired from the shoulder.

It is illegal to kill certain game during the night time.

Act April 15, 1907, page 50.

Rabbits may be killed at any time as a protection to trees or growing crops.

Wild birds may be killed when caught in the act of destroying certain property; for specific rights see Section 1, of the act of May 8, 1907, page 56.

But one deer can be legally taken or killed in this Commonwealth during one season, which must in every instance be a male deer with horns.

Act of April 15, 1907, page 44.

The open season for deer in this Commonwealth, is from the fifteenth day of November to the first day of December of each year, and

It is illegal to have in possession or under control any deer killed in this Commonwealth or part thereof, except during the open season for such game in this Commonwealth and for fifteen days thereafter.

It is illegal to make use of what is known as buck-shot in hunting deer or to kill or wound or to attempt to kill or wound any deer, by or through the use of a gun of any kind, propelling or emitting more than one pellet, bullet or ball, at a single discharge.

It is illegal to kill or capture any deer in the waters of the State.

It is illegal to "make use of a dog or dogs in hunting deer" in the State.

Section 4, act of June 4, 1897, page 10 Supplemented by Section 8, act of April 22, 1905, page 30.

What may be considered as "making use of a dog in hunting deer" will be found specifically set forth in section 8 of the act of April 22, 1905, page 30.

Any dog following upon the track of deer or fawn within this Commonwealth is declared to be a public nuisance, and may be killed by any person, when so seen, and the owner shall have no recourse whatever.

Section 4 of the act of June 4, 1897, page 10.

Or by any officer of the State whose duty it is to protect the game of the State, within one year from the date of the commission of the offense.

Section 9, act of April 22, 1905, page 31.

And the owner of such dog shall be liable to a penalty of twenty-five dollars for each deer or fawn pursued, and fifty dollars for each deer or fawn killed by such dog, running at large without the aid of its master.

Section 9, act of April 22, 1905, page 31.

Dogs of any description may be killed by the owner or lessee of lands on which they are found, or by any officer of the State

whose duty it is to protect the game of the State, when found pursuing game of any kind out of season.

Section 9, act of April 22, 1905, page 31.

It is illegal to buy or sell any deer, or ruffed grouse, commonly called pheasant, or quail, commonly called Virginia partridge, or wild-turkey, or any part thereof, killed in this Commonwealth.

Penalty \$100 for each deer or fawn, or part thereof, and \$25 for each of said birds, or part thereof, bought or sold.

Section 5, act of June 4, 1897, page 10.

Section 10, act of April 2, 1905, page 32.

It is illegal to buy or sell any ruffed grouse commonly called pheasant, killed outside of this Commonwealth, except during the open season for such game in this Commonwealth, and for thirty days thereafter.

Or to buy or sell at any time within the Commonwealth any woodcock or wild-turkey killed outside of the Commonwealth.

Penalties as provided in section 5 of the act of June 4, 1897, page 11.

Section 10, act of April 22, 1905, page 32.

All other game killed in the Commonwealth can be bought and sold during the open season for such game in the Commonwealth and for fifteen days thereafter.

Section 13, act of April 22, 1905, page 34.

Section 16, act of April 22, 1905, page 34.

It is illegal to ship or remove, or to attempt to ship or remove from this State, or to knowingly permit the shipment or removal out of this State of any game bird or game quadruped, except when it is to be returned to the State.

Penalty not less than \$50, or more than \$100.

Section 6, act of June 4, 1897, page 11.

Section 19, act of April 2, 1905, page 35.

Or to ship or remove any wild bird other than a game bird out of the State, without permission of the president of the Game Commission.

Penalty not less than \$50 or more than \$100.

Section 6, act of June 4, 1897, page 11,

Section 4, act of April 22, 1905, page 27.

It is illegal to kill, in any one day, more than five ruffed grouse, commonly called pheasant, or more than twenty of these birds in one week, or more than fifty of these birds in any one season.

It is illegal to kill, in one day, more than five English, Mongolian or Chinese pheasants, or more than twenty of these birds in any one week, or more than fifty of these birds in any one season.

Or to kill in any one day more than ten woodcock, or more than twenty of these birds in any one week, or more than fifty of these birds in any one season.

Or to kill, in any one day, more than ten quail, commonly called Virginia partridge, or more than forty of these birds in any one week, or more than seventy-five of these birds in any one season.

Or to kill, in any one day, more than one wild-turkey, or more than four wild turkeys in any one season.

Penalty not less than \$50 or more than \$100.

Section 6, act of June 4, 1897, page 11.

Section 7 and 23, act of April 22, 1905, pages 30-36.

It is illegal to kill, in any one day, more than six of the combined kinds of fox, black or grey squirrels.

It is illegal to kill or capture any bear or cub from the first day of March to the first day of October of each year.

Or to have in possession any bear or cub caught or taken during that time.

Penalty \$50 for each bear or cub killed, or possessed contrary to law.

Section 12, act of April 22, 1905, page 33.

Except as a protection to property it is illegal to kill any rabbits save from the fifteenth of October to December first of each year, or to have a rabbit or any part thereof in possession save only during the open season for such game and for fifteen days thereafter.

Penalty \$10.

Section 1, act of April 15, 1907, page 47.

It is illegal to use ferrets in hunting rabbits.

Penalty \$25.

Section 8, act of June 4, 1897, page 12.

It is illegal at any time to set, lay or prepare, any kind of a trap, snare, net, bird-lime, pit-fall, deer lick, turkey blind, pen, or any other kind of a contrivance whatever, within intent to capture or kill any of the wild birds or animals protected by the laws of this State.

Except that decoys may be used in hunting geese, ducks and brant.

And that rabbits may be taken in season in any manner except through the use of a ferret.

Quail may be trapped from the first day of January to the first day of April for the purpose of keeping them alive during the winter or for the purpose of separating a covey, and all

birds so trapped must be released as soon as the weather is suitable in the spring.

Section 9, act of June 4, page 12.

Section 18, act of April 22, 1905, page 34.

Plover can be legally killed from July 15 to December 1, in each year.

Penalty \$10.

Section 15, act April 22, 1905, page 34.

Rail and reed birds can be legally killed from September 1 to January 1.

Blackbirds of all kinds may be killed from September 1 to January 1.

Doves may be killed from September 1 to January 1.

It is illegal to hunt or pursue web footed wild fowl (ducks, geese or brant), from or with any craft propelled by any means other than oars, pole, or hand paddles.

Penalty \$50 per day for each day, such illegal craft may be used, and forfeiture of all boats, guns, and shooting paraphernalia used in violating the law.

All guns and shooting paraphernalia used in violating any game law of the Commonwealth, forfeited, unless penalty imposed and costs be paid.

Section 2, act of April 15, 1907, page 41.

It is illegal to hunt or kill for wages or hire, directly or indirectly, any deer, or fawn, ruffed grouse, commonly called pheasant, quail, commonly called Virginia partridge, wild-turkey, or woodcock.

Penalty \$25 for each offense and forfeiture of all guns and paraphernalia used in violating the law.

Section 11, act of April 22, 1905, page 33.

It is illegal to hunt pheasant or pinnated grouse turkey or quail during the night time.

Penalty \$25.

Section 1, act of April 15, 1907, page 50.

Beaver are protected at all times.

Penalty \$100.

Act of March 17, 1903, page 19.

Wolves, woodchucks or ground hogs, coons, possums, foxes, wild cat, mink, weasels, skunks, porcupine, and musk rats, can be killed at any time.

All non-residents and all unnaturalized foreign born residents must secure a license before hunting in this State. Fee \$10. Penalty \$25, and forfeiture of all gunning paraphernalia found in possession of arrested parties.

Act of April 14, 1903, page 21.

Guns and hunting paraphernalia will be sold unless fine and costs are paid, and the fact that imprisonment is suffered, will not effect the release of these articles.

Section 3, act of April 14, 1903, page 22.

Section 2, act of May 21, 1901, page 18.

It is illegal to discharge on any of the streets or alleys of any city or borough of this Commonwealth any flobert rifle, air gun or spring gun, or any implement which impels with force a metal pellet of any kind.

Act of April 15, 1903, page 22.

Costs cannot be imposed upon officers, whose duty it is to enforce the game laws, said costs must be paid either by the defendant or the county.

Act of April 16, 1903, page 24.

All prosecutions for violations of the game laws, must be commenced within one year, from the date of the commission of the offense.

Section 12, act of June 4, 1897, and other acts, pages 13-.

Possession of game out of season, is prima facie evidence that it was taken illegally.

Section 11, act of June 4, 1897, page 13.

Section 20, act of April 22, 1905, page 35.

Mode of procedure against violators of the game law.

Section 12, act of June 4, 1897, page 13.

All magistrates, justices of the peace, and aldermen should follow the form prescribed in the act violated, and their record should show that this has been done. This will avoid trouble on certiorari.

In receiving or drawing a complaint, for the violation of any of the provisions of the game laws or fish laws of this State, it would be well to follow strictly the wording of the section violated, and the record should show that this has been done.

The Record should show:

That the court had jurisdiction.

That an offense was committed.

That said offense was committed within the jurisdiction of the court hearing the case.

That the prosecution was brought within the statutory time.

That the complaint was sworn to.

That a warrant was issued and the arrest made on said warrant which was duly returned.

Or

That the arrest was made on sight without warrant.

That the defendant was present at the hearing.

That the evidence as offered on both sides was heard under oath.

The record must show at least the substance of such evidence.

That the defendant was because of such evidence either convicted or acquitted.

If convicted that he was sentenced to pay the penalty imposed by law.

That upon refusal to pay said penalty he was committed to the jail for a period of one day for each dollar of penalty imposed.

And that this was done before he was permitted to enter bail on appeal.

When an arrest is made for violation of that provision of the game law prohibiting hunting on Sunday, the evidence and the record must show that game or wild birds were hunted or killed, the kind of game or birds hunted or killed had best be named. It will not do to simply charge the defendant with hunting or shooting on Sunday, the game laws of this State were passed for the protection of game and wild birds and not to preserve the sanctity of the Sabbath, and the courts have held that before a defendant can be convicted of violating section one, of the act of June 4, 1897, it must be proved that game or a bird of some kind protected by this act was hunted or killed on Sunday.

Game of all kinds may be held in possession for fifteen days, after the close of the season for killing the same.

Section 13, act of June 4, 1897, page 14.

Bear, squirrels or rabbits taken alive during the open season for such game, may be kept alive during the close season.

Special attention is called to the fact that all guns, boats and shooting paraphernalia used in violating the law, are declared forfeited, unless penalty and costs imposed be paid.

Section 2, act of April 15, 1907, page 42.

Special attention is called to the fact that game killed in this Commonwealth may be had in possession only, during the open season for such game and for fifteen days thereafter. Remember therefore that when a deer or a number of deer are brought out of the woods on the last day of the season that they must be consumed before the sixteenth day of the month following. This is the law. If hunters are not disposed to abide by its provisions they need not kill the deer. If game of any kind is taken at all, it is taken under the provisions of the law, and of all the law. If it is taken and had in possession after the lapse of fifteen days after the close of the season the holder thereof must be prepared to abide by the consequences.

Special attention of hunters is called to the act relative to trespass, on page 24. The act is not a game law but is published in this book for the benefit of sportsmen, both hunters and fishermen.

Special attention is called to section 9 of the act of April 22, 1905, relative to the use of dogs in hunting deer. Who shall be liable to pay penalty, and what shall constitute a violation of this provision. Page 31.

Special attention of men who own dogs is called section 9 of the act April 22, 1905, relative to dogs hunting out of season, page 31. No person except the owner of land or the lessee of such land, or an officer of the State whose duty it is to protect the game of the State, can kill a dog for violation of the provisions of this act, and then only under prescribed conditions, and on land not controlled by the owner of such dog.

It is not a violation of law to trap bear. This animal was not classed as game at the time the act was passed requiring all game mentioned therein to be killed with a gun.

It is not a violation of law to keep bear in captivity, if same was taken during the open season.

The law forbidding the killing of any but a male deer with horns was passed more to protect human life than to protect deer; 48 men were killed and something like twice that number wounded by deer hunters in the United States last year. The bird hunter and others claim they have as much right in the woods during the last two weeks of November as have deer hunters and have a right to all the protection that can be thrown around them by the law.

In the prosecution of owners of dogs that run deer under the provisions of section 9, of April 22, 1905, it is absolutely necessary that the dogs be killed before suit is begun.

This suit is in the nature of a civil suit for a penalty.

TABLE OF ANIMALS AND BIRDS DECLARED TO BE GAME BIRDS IN PENNSYLVANIA, WHEN THEY MAY BE KILLED, THE NUMBER, ETC.

Kinds.	Number by One Person.	Open-Season.
Bear, ...	Unlimited, ...	October 1 to March 1.
Black-birds, all kinds, ...	Unlimited, ...	September 1 to January 1.
Doves (Mourning or Turtle), ...	Unlimited, ...	September 1 to January 1.
Deer, male with horns, ...	One each season, ...	November 15 to December 1.
English, Mongolian or Chinese Pheasant, ...	Five in one day, twenty in one week and fifty in one season, ...	October 15 to December 1.
Grouse (Ruffed), commonly called Pheasant, ...	Five in one day, twenty in one week and fifty in one season, ...	October 1 to December 1.
Hare or Rabbit, ...	Unlimited, ...	October 15 to December 1.
Quail, commonly called Virginia Partridge, ...	Ten in one day, forty in one week and seventy-five in one season, ...	November only.
Webfooted Wild-fowl of all kinds, ...	Unlimited, ...	September 1 to April 10.
Wild Turkey, ...	One in a day, four in one season, ...	October 15 to December 1.
Woodcock, ...	Ten in one day, twenty in one week and fifty in one season, ...	October 1 to December 1.
Squirrel, Fox, Black or Grey, ...	Six of combined kinds in one day, ...	October 1 to December 1.
Shore birds, ...	Unlimited, ...	September 1 to January 1.
Snipe, Jack or Wilson, ...	Unlimited, ...	September 1 to May 1.
Plover, ...	Unlimited, ...	July 15 to December 1.

Remember that game killed in this Commonwealth may be had in possession only during the open season for such game and for fifteen days thereafter. This is the law. If hunters are not disposed to abide by this provision they need not take the game.

No deer, ruffed grouse, commonly called pheasant or quail, commonly called Virginia partridge, killed within the Commonwealth can be bought or sold at any time. No ruffed grouse, commonly called pheasant, killed outside the Commonwealth can be sold within the Commonwealth, excepting during the open season for like birds in the Commonwealth and for thirty days thereafter. No wild turkey or woodcock killed either within or without the Commonwealth can be bought or sold at any time. All other game can be bought and sold in season.

No game of any kind can be legally carried or in any manner removed out of the State. The Starling, the English sparrow, kingfisher, crow, raven, Cooper's hawk, sharp-shinned hawk, duck hawk, pigeon hawk, great-horned owl, barred owl, red or pine squirrel, coon, possum, wood chuck or ground hog, fox, wildcat, weasel, mink and skunk are not protected and may be killed at any time. The Act placing a bounty on certain wild animals will be found on page 3.

DIVISION II.

LAWS RELATING TO FISH.

AN ACT

June 3, 1878, To amend and consolidate the several acts relating
P. L. 160. to game and game fish.

* * * * *

Fishing on *Section 17. There shall be no fishing on the first
Sunday. day of the week called Sunday, and any person
offending against the provisions of this section
shall be liable to a penalty of twenty-five dol-
lars.

* * * * *

Possession Section 33. In all cases of arrest made for the
to be evi- violation of each or any of the foregoing sections
dence of vio- of this act, the possession of the game, fishes,
lation of act. birds, animals, fowls, nets or other devices pro-
vided for, or so mentioned, shall be prima facie
evidence of the violation of said act.

Duties of Section 34. Any justice of the peace or alderman,
justices on upon information or complaint made before him,
complaint of by the affidavit of one or more persons, of the vio-
violation of lation of the provisions of this act by any person
act. or persons, is hereby authorized and required to
issue his warrant, under his hand and seal, di-
rected to any constable, police officer or warden, to
cause such person or persons to be arrested and
brought before said justice or alderman, who shall
hear and determine the guilt or innocence of the
person or persons so charged, and if convicted of
said offense or offenses, shall be sentenced to pay
the fine or fines, penalty or penalties, attached to

*It was held by the Superior Court in the case of Commonwealth v. Rothermel, No. 40 Jan. T., 1905. That the provisions of this sec. (17) were not repealed by the act of 1903, and were still in force.

such violation, together with costs, one-half of which penalties shall go to the informer, and the remaining one-half shall be forthwith paid to the treasurer of the county in which the offense was committed; and it shall be the duty of said treasurer to distribute said fund so arising at the close of each year to the various school districts in said county, in proportion to the number of taxables in said district: Provided, That said conviction shall be had within one year from the time of committing the offense: And provided further, That the defendant on refusing to pay said penalty shall be committed to the common jail of the county for a period of not less than one day for each dollar of penalty imposed, unless the defendant enters into recognizance with one or more sufficient securities to answer said complaint on a charge of a misdemeanor, before the quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant of the offense charged, and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county for a period of not less than one day for each dollar of penalty imposed.

Section 35. Any judge of the court of quarter sessions of the peace, or any alderman, justice of the peace, or police or other magistrate, upon receiving sufficient proof by affidavit, that any of the provisions of this act have been violated, by any person being temporarily within his jurisdiction, but not residing there permanently, or by any person whose name and residence were unknown, or by any permanent resident or citizen, is hereby authorized and required to issue his warrant for the arrest of such person, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof or probable cause for believing in the concealment of any fish mentioned in this act during any of the periods prohibited, shall issue his search warrant and cause search to be made in any house, market, boat, car, vehicle or building; all courts of quarter sessions are hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county.

Appropriation of penalties.

Limitation of conviction.

Commitment to jail in default of payment of penalty.

Defendant may give bail to answer before court.

Issue of warrants of arrest.

And search warrants. Courts of quarter sessions empowered to try offender.

When costs
of suit to be
a charge on
county.

Section 37. Whenever any officer or constable making complaint of the violation of any of the provisions of this act shall fail to recover the penalty or penalties therein mentioned in any prosecution or suit commenced by him or them pursuant to the foregoing sections of this act, the costs of suit incurred by him or them shall be a charge upon the proper county, and shall be audited and allowed as other county charges are audited and allowed.

* * * * *

Limitation
of suits.

Section 39. All actions for violation of the provisions of this act, except where otherwise therein directed, shall be brought within one year from the time such violation was committed.

Not to apply
to certain
streams.

Section 40. Nothing in this act shall be construed to apply to any stream forming the boundary line between this and any state over which this State has concurrent jurisdiction with such state, so far as such streams form such boundary line, nor to any lake partly within the boundaries of this State.

Repeal.

Section 41. All acts or parts of acts which are inconsistent with this act, be and the same are hereby repealed:

Approved—The 3d day of June, A. D. 1878.

J. F. HARTRANFT.

A SUPPLEMENT

To an act, entitled "An act to amend and consolidate the several acts relating to game and game fish," approved May first, Anno Domini one thousand eight hundred and seventy-three, to require all persons engaged in any of the manufacturing interests of this State, accustomed to the washing of iron and other ores, and of coal preparatory to its use for coking, and engaged in the business of tanning, to prepare a tank or other suitable receptacle into which the sediment, culm or coal dust, the offal, refuse and the tan bark and liquor therefrom used in tanning, so far as is practicable may be prevented from passing into or upon any of the rivers, lakes ponds or streams of this Commonwealth.

Section 1. Be it enacted, &c., That section seventeen of the act aforesaid be and the same is

May 8, 1876,
P. L. 104.

hereby amended so that the same shall read as follows, namely: That all persons engaged in any of the manufacturing interests of this State, accustomed to the washing of iron and other ores, and of coal preparatory to its use for coking, or in the tanning of hides by a process in which vitriol is used, shall prepare a tank or other suitable receptacle into which the culm or coal dirt, the offal, refuse and the tan bark and the liquor, or the water therefrom, may be collected so that the sediment therefrom so far as is practicable, may be thereby prevented from passing into or upon any of the rivers, lakes, ponds or streams of the Commonwealth, under a penalty of fifty dollars for each offense, in addition to liability for all damages he or they may have done to any individual owners or lessees on such waters.

Manufacturers to prepare tank for reception of coal dirt, etc.

Penalty.

Section 2. Whenever any constable or other officer making complaint in good faith of the violation of any of the provisions of this act, shall fail to recover the penalty or penalties mentioned in the seventeenth section of the act to which this is a supplement, in any prosecution or suit commenced by such constable or other officer, pursuant to the foregoing section of this or the act to which this is a supplement, the costs of suit recovered by him or them shall be a charge upon the proper county, and shall be allowed as other county charges are audited and allowed; and whenever the plaintiff or prosecutor is a private citizen, the costs shall abide the event of the suit or prosecution and be paid as in other cases, and that section thirty-three of the act of first of May, Anno Domini one thousand eight hundred and seventy-three, be and the same is hereby repealed.

When constables costs to be charge upon county.

When costs to abide event of suit.

Repeal.

Approved—The 8th day of May A. D. 1876.

J. F. HARTRANFT.

AN ACT

Relative to the appointment of police for corporations organized under the laws of this Commonwealth, for the preservation and propagation of fish.

June 10,
1881, P. L.
88.

Section 1. Be it enacted, &c., That any corporation organized under the laws of this Common-

Fish corporations may have special police.

wealth for the preservation and propagation of fish in this Commonwealth, may apply to the Governor to commission such persons as the said corporation may designate, to act as policemen for the protection of the property of such corporation.

Governor to appoint.

Section 2. The Governor, upon such application, may appoint such persons, or so many of them as he may deem proper, to be such policemen, and shall issue to such person or persons so appointed a commission to act as such policemen.

Police to take oath.

Section 3. Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the oath required by the eighth article of the Constitution, before the recorder of the county in which the property of said corporation may be situated, which oath, after being duly recorded by such recorder, shall be filed in the office of the Secretary of State, and a certified copy of such oath, made by the recorder of the county, shall be recorded with the commission in the county in which the property of such corporation, for which such policeman is appointed, may be situated, and in which it is intended said policeman shall act; and such policeman so appointed shall severally possess and exercise all the powers of policemen in the county in which they shall be so authorized to act as aforesaid, and the keepers of jails and lock-ups or station houses in said county are required to receive all persons arrested by such policeman for the commission of any offense against the laws of this Commonwealth upon the premises of any such corporation, to be dealt with according to law.

Powers of police.

To wear shield.

Section 4. Such corporation police shall, when on duty, severally wear a metallic shield with the word "police" and the name of the corporation for which appointed inscribed thereon, and said shield shall always be worn in plain view, except when employed as detectives.

Compensation.

Section 5. The compensation of such police shall be paid by the corporation for which the policemen are respectively appointed, as may be agreed upon between them.

When services no longer required.

Section 6. Whenever any corporation shall no longer require the services of any policemen as aforesaid, they may file a note to that effect under their corporate seal, attested by their secretary, in the office where the commission of such policeman has been recorded, which shall be noted by the

recorder upon the margin of the record where such commission is recorded, and thereupon the power of such policemen shall cease and be determined.

Approved—The 10th day of June A. D. 1881.

HENRY M. HOYT.

AN ACT

For the protection of shad, sturgeon and game fish
in the river Delaware.

May 22, 1880,
P. L. 281.

Preamble.

Whereas, disputes have arisen, and may continue to arise, between Pennsylvania and New Jersey, as to the means applied and the time set apart by each respective State for the catching of fish in the waters of the Delaware river, and as concurrent legislation between the States of Pennsylvania and New Jersey is believed to be the only means to remedy this, and to protect the stocking of the Delaware as well as to protect the fishing industries of each State; therefore,

Section 1. Be it enacted, &c., That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift net, fyke net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook and line, in the Delaware river above Trenton Falls: Provided, That this section shall not extend to shad and herring fishing: Provided also, That the meshes of nets used for catching shad shall not be less than three inches in width, or one and one-half inches from knot to knot above Trenton Falls: Provided also, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with any appliance whatever from June fifteenth to December thirty-first, of any year, in the Delaware river above Trenton Falls. Any person or persons violating any of the provisions of this section, shall forfeit or pay the sum of one hundred dollars, with all costs of suit, together with the forfeiture of boats, nets and all appliances.

Fishing with
nets prohibited
above
Trenton
Falls.

Except for
shad and
herring.

Width of
meshes of
nets for shad
above Trenton
Falls.

Fishing for
shad with
nets from
June 15 to
December
31, prohibited
above
Trenton
Falls.

Penalty for
violation of
act.

Section 2. That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke net or nets of any kind, or device made from cotton or flax twine or wire netting, similar to a fyke net, for the purpose of catching

Use of fyke-
nets pro-
hibited.

Violation of
act shall be
a misde-
meanor.

Penalty.

Fishing with
nets, etc.
on Sunday
prohibited.

Penalty.

Certain
methods of
taking fish
prohibited
by this
section.

Penalty for
violation of
law.

Catching
black bass
or wall-eyed
pike.

fish in the Delaware river above Trenton Falls at any time in any year. Every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months; and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

Section 3. It shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stake or otherwise make use of any gilling net, seine, shore net, drift net, eel pots, or any kind of net for the purpose of catching fish in the Delaware river from sunset on Saturday night until twelve o'clock on Sunday night of each and every week; and the person or persons so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each and every offense.

Section 4. It shall be unlawful for any person or persons to place, build, erect, fasten or use any fish baskets, gill nets, pound nets, fyke nets, eel weirs, kiddles, brush or facine nets, or any permanently set means for taking fish in the river Delaware above Trenton Falls; nor shall any person, at any time, affix any nets, fish baskets, fyke nets, eel racks, or any kind of appliances or set means of taking fish, to any wing walls in the river Delaware above Trenton Falls. Nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or walls of stone, or of any other substance or material, in the river Delaware above Trenton Falls, for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish. Any person violating the provisions of this law shall be fined fifty dollars for the first offense and be liable to imprisonment for one month in the county jail, and any person or persons so offending a second time shall be fined one hundred dollars and be imprisoned for three months in the county jail.

* * * * *

Section 7. No person shall catch or kill, in the Delaware river, any black bass or wall-eyed pike under nine inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught. But should any such fish be taken of less than the above, or should

any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken. Any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

Penalty for violation of law.

Section 8. Nothing in this act shall be construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the State Fish Commission of any State having jurisdiction in the Delaware river, for the purpose of stocking other waters.

Catching fish for certain purposes allowable.

Section 9. Any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this Commonwealth is hereby authorized to destroy any fish basket, eel wire, fyke net, pound net, shore net, drift net, dip net, wing wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them. Any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail.

Officers authorized to arrest persons violating act and destroy baskets and nets.

Penalty for violation of law.

Section 10. Any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman, or special officer of this Commonwealth, is hereby authorized to apprehend, arrest, and immediately take any person who may be guilty of the violation of any of the provisions of sections of this act before any justice of the peace, magistrate or any other legally constituted authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above to prove his case the county in which it is heard shall pay the costs.

Officers authorized to make arrests.

Hearing of charges before justices of the peace, etc.

Appeal.

Costs.

Section 11. The fines imposed under any section of this act shall be paid to the treasurer of the county in which the prosecution shall be made, and the

Application of fines recovered.

This act to become operative only when a similar act is passed in New Jersey. Repeal.

said treasurers of the several counties of the State shall pay over to the Commissioners of Fisheries all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same to the treasurer of the State.

Section 12. No section, proviso, or part of this act, shall be considered as valid or operative until the Legislature of New Jersey shall approve of the same by enacting a similar act in whole or in part.

Section 13. All sections, provisos or acts inconsistent with this act are hereby repealed.

Approved—The 22d day of May, A. D. 1889.

JAMES A. BEAVER.

AN ACT

May 22, 1889,
P. L. 267.

For the protection of shad and game fish in the State of Pennsylvania.

Fishing with nets prohibited.

Except for shad, herring and sturgeon.

Size of meshes of seines or nets.

Shad and herring not to be caught with nets from June 20 to December 31.

Size of meshes for catching shad below Trenton Falls.

Section 1. Be it enacted, &c., That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift net, fyke net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook and line in any rivers, streams or waters of this Commonwealth: Provided, That this section shall not extend to shad, herring and sturgeon fishing: Provided, also, That the meshes of seines or nets used for catching shad shall not be less than four inches in width, or two inches from knot to knot, and the meshes of seines and nets used for catching herring shall not be less than two and one-fourth inches in width, or one and one-eighth inches from knot to knot: Provided, also, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with any appliance whatever, from June twentieth to December thirty-first of any year, in any of the rivers, streams or waters of this Commonwealth: Provided also, That the meshes of nets used for catching shad or herring shall not be less than two and a quarter inches in width, or one and one-eighth inches from knot to knot, in the river Delaware, below Trenton Falls: Provided also, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with

any appliance whatever, from June fifteenth to December thirty-first of any year, in the Delaware river above Trenton Falls. It shall be lawful to fish below Trenton Falls with nets having a mesh of not less than ten inches, between the fifteenth day of June and the tenth day of July of any year: Provided, That the provisions of this act shall not apply in the open season to the catching of suckers, eels and catfish, in streams other than trout streams, partly or wholly included in the survey of farm lands owned by any citizen of this Commonwealth, but nothing contained herein shall permit fishing by seines at any time. Any person or persons violating any of the provisions of this section shall forfeit or pay the sum of one hundred dollars with all costs of suit, together with the forfeiture of boats, nets and all appliances.

Section 2. That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke net, or nets of any kind, device made from cotton or flax twine, or wire netting, similar to a fyke net, for the purpose of catching fish in any of the rivers, waters or streams of this Commonwealth at any time in any year. Every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

Section 3. It shall be unlawful for any person or persons to place, build, erect, fasten or use any fish baskets, gill nets, pound nets, fyke nets, eel weirs, kiddles, brush or facine nets, or any permanently set means for taking fish in any of the rivers, waters or streams of this Commonwealth. Nor shall any person at any time affix any nets, fish baskets, fyke nets, eel racks or any kind of appliances or set means of taking fish, or any wing walls in any of the streams, waters or rivers of this Commonwealth. Nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or walls of stone or of any other substance or material, in any of the streams, waters or rivers of this Commonwealth, for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or

Shad and herring fishing, with nets above Trenton Falls between June 15 and December 31 prohibited. Suckers and catfish.

Penalty for violation of this section.

The use of certain nets prohibited.

And declared a misdemeanor.

Penalty.

Erection and use of fish baskets, etc., prohibited.

Wing walls, etc., in connection with said appliances prohibited.

Penalty.

Penalty for second offense.

Exception.

appliances for taking fish. Any person violating the provisions of this law shall be fined fifty dollars for the first offense, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars: Provided, That this section shall not apply to fishing with gill nets below Trenton in the river Delaware, which proviso shall not give gill nets the right to fish over any licensed fishing pond.

Black bass and wall-eyed pike not to be caught between January 1 and May 30.

And only with hook and line.

Penalty for violation.

This and preceding sections not to apply to Lake Erie. Catching fish for certain purposes allowed.

Duties of fish wardens and other officers.

Proviso.

Penalty for interference with officers in discharge of duties.

Section 5. No person shall by any means or device whatsoever catch or kill any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year, save with a rod, hook and line. Any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught: Provided, That neither this nor any of the proceeding sections of this act shall apply to fishing in the waters of Lake Erie.

Section 6. Nothing in this act shall be so construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the State Fish Commission of this State for the purpose of stocking other waters.

Section 7. Any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this Commonwealth, is hereby authorized to destroy any fish basket, eel weir, fyke net, pound net, shore net, drift net, dip net, wing wall or wing walls, or any illegal device named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them: Provided, That this section shall not authorize the destruction of any hauling seine used at any shore or island fisheries exclusively for catching shad or herring. Any person or persons interfering with any of the above officers in the discharge of their duties or resisting arrest, shall pay a fine of one hundred dollars, or be imprisoned three months in the county jail, or shall be subject to both penalties, at the discretion of the court before which he or they shall be convicted.

Section 8. Any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this Commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act, or the violation of the laws of this Commonwealth in reference to illegal fishing, before any justice of the peace, magistrate or other legally constituted authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal as in all similar cases of arrest and conviction.

Officers authorized to make arrests.

Proceedings after arrest.

Appeal.

Section 9. One-half of the fines imposed under any section of this act shall be for the benefit of the prosecutor, and the other half shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurer of the several counties of the State of Pennsylvania shall pay over to their respective Commissioners of Fisheries of Pennsylvania, all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same into the State Treasury.

Application of fines recovered.

Section 10. All sections, provisos or acts inconsistent with this act are hereby repealed.

Repeal.

Approved—The 22d day of May, A. D. 1889.

JAMES A. BEAVER.

This act in so far as it applies to the internal waters of the State was repealed by Section 48 of the act of May 29th, 1901.

Query.—Was it repealed in its application to boundary waters?

AN ACT

For the protection of Penobscot salmon planted in the river Delaware, and providing penalties for the enforcement thereof.

May 12, 1891,
P. L. 52.

Whereas, The Delaware river has been stocked with Penobscot salmon by the Commissioners of Fisheries of Pennsylvania, and it is thought that by proper protection these fish may become plentiful; therefore,

Shall not catch or kill save with rod, hook and line.

Not to be taken under three pounds in weight.

Can only be taken between first March and fifteenth August.

Penalty.

Section 1. Be it enacted, &c., That no person shall at any time kill or catch, or attempt to kill or catch, salmon or grilse in the waters of this State, save with rod, hook and line.

Section 2. No salmon or grilse shall be taken by any means from the waters of this State, under three pounds in weight.

Section 3. No person shall catch, or attempt to catch, any salmon or grilse in the waters of this State, save only from the first day of March to the fifteenth day of August in each year.

Any person or persons violating any section of this act shall be fined twenty dollars for each salmon or grilse illegally taken, or one day's imprisonment for each dollar of fine.

Approved—The 12th day of May, A. D. 1891.

ROBT. E. PATTISON.

AN ACT

For the protection of sturgeon.

June 25,
1895, P. L.
295.

When sturgeon shall not be taken, etc.

Repeal.

When act shall take effect.

Section 1. Be it enacted, &c., That hereafter it shall not be lawful for any person or persons to take, capture or kill, or have in possession after the same has been taken, captured or killed, any sturgeon, between the thirtieth day of June and the thirty-first day of December in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured, killed or had unlawfully in possession.

Section 2. That all acts or parts of acts, special, local or general, inconsistent herewith or repugnant hereto be and the same are hereby repealed.

Section 3. That this act shall take effect when similar acts shall have been passed by the Legislatures of the States of Delaware and New Jersey.

Approved—The 25th day of June, A. D. 1895.

DANIEL H. HASTINGS.

AN ACT

To regulate the publication, binding and distribution of the public documents of this Commonwealth. May 2, 1899,
P. L. 178.

Section 1. Be it enacted, &c., That from and after the passage of this act the printing, binding, distribution and number of the several public documents of this Commonwealth shall be as follows, to wit:

Printing, etc., of public documents regulated.

* * * * *
XVIII. Ten thousand three hundred and fifty copies of the report of the Commissioners of Fisheries; three thousand for the Senate, six thousand for the House of Representatives, four hundred for the Commissioners of Fisheries, two hundred and fifty for the Governor, two hundred for the Secretary of the Commonwealth, one hundred for the State Librarian, and four hundred to be reserved for the official documents.
* * * * *

Report of Commissioners of Fisheries.

Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed: Provided however, That nothing contained herein shall be so construed as to interfere with any special or general contract, now existing, for executing the public printing or binding, unless by consent of the contractor or contractors obtained without cost to the State.

Repeal.

Existing contracts not to be interfered with.

Approved—The 2d day of May, A. D. 1899.

WILLIAM A. STONE.

AN ACT

To declare the species of fish which are game fish, and the species of fish which are commercially valuable for food, and to regulate the catching and encouraging the propagation of the same; to define the public waters within the State, to protect the waters within the State from improper and wasteful fishing; to provide for the appointment of Fish Commissioners and fish wardens, and to declare their official powers and duties; to encourage and regulate the artificial propagation of game and food fish by said State Fish Commissioners; to regulate the distribution of the same in the waters of the Commonwealth; to provide penalties and punishments for the violation of the provisions of this act.

May 29, 1901,
P. L. 302.

Species of fish.

Game fish.

Food fish.

Lawful manner of fishing.

Violation.

Fine of \$25.00.

Trout.

Open seasons designated.

Lake or salmon trout.

Section 1. Be it enacted, &c., That the following named species of fish are specifically within the protection of this act, to wit: Salmon, brook trout, and all other fish belonging to the family of salmon or trout; black bass, green or Oswego bass; crappie, grass, or strawberry bass, white bass, rock bass, blue pike, pike perch, Susquehanna salmon, or wall-eyed pike, pike, pickerel, sun fish, and muscullonge,—all of which are hereby classified and hereinafter designated as game fish; and shad, white fish, herring, lake herring, cisco herring, alewife, sturgeon, striped bass, or rock fish,—all of which are hereinafter designated as food fish.

Section 2. That from and after the passage of this act, it shall be unlawful to fish for game fish, in any of the waters of this Commonwealth, in any manner except with rod, hook and line, or with hand line having not more than three hooks; or, for food fish, with any device not specifically permitted in this act. Any person violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars.

Section 3. That from and after the passage of this act, it shall be unlawful to catch or fish for, or have in possession, the same being killed, any species of trout, save lake trout, except from the fifteenth day of April to the thirty-first day of July, inclusive, in each year; or, any lake or salmon trout, except from the first day of January

to the first day of September, inclusive, in each year; or, for any black bass, green, or Oswego bass; crappie, grass, or strawberry bass, white bass, rock bass, or for pike-perch, commonly called wall-eyed pike, Susquehanna, or jack salmon, pike, pickerel, sun fish, or muscallonge, except from the fifteenth day of June until the fifteenth day of February, inclusive, in each year. Any persons violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each and every fish so caught.

Bass, pike,
pickerel,
etc.

Violation.

Fine, \$10.00.

Section 4. That from and after the passage of this act, it shall be unlawful to catch and kill, or have in possession, the same being killed, any white bass, rock bass, crappie, strawberry, or grass bass, less than five inches in length; any brook or speckled trout, or any species or variety of trout, save lake trout, less than six inches in length; any black bass less than seven inches in length; any lake or salmon trout, green or Oswego bass, striped bass, otherwise called rock fish, blue pike, pike-perch, otherwise called wall-eyed pike, Susquehanna, or jack salmon, pike, pickerel, or muscallonge, less than nine inches in length. Any person violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each and every fish so caught.

Length of
fish which
may be leg-
ally caught.

Violation.

Fine, \$10.00.

Section 5. That from and after the passage of this act, it shall be unlawful for any person to catch and kill more than fifty brook or speckled trout in any one day. Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each fish so captured and killed over and above the number herein allowed.

Number of
trout per
day.

Violation.

Fine, \$10.00.

Section 6. That from and after passage of this act, it shall be lawful to use in the waters of this Commonwealth, not inhabited by trout, eel pots made of open wood work, wicker work or netting; the said eel pots being of a length not exceeding five feet, with an entrance to the same not exceeding two and one-half inches across.

Eel pots,
dimensions,
etc.

Section 7. That from and after the passage of this act, it shall be lawful to fish in any waters of this Commonwealth, not inhabited by trout, during the

Carp, cat-
fish, eels
and suckers.

months of March, April, May, October, November and December, with dip nets, for carp, catfish, eels and suckers: Provided, Said nets do not span more than five feet, and meshes shall not be less than two inches in width of mesh and one inch from knot to knot: Provided further, That the owner or owners, or operator or operators, of such dip nets shall immediately restore, and return alive any other fish that may be captured in such dip nets, to the waters from which such fish were taken. Any person or persons violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of said act, be subject to a fine of ten dollars for each fish unlawfully kept, together with forfeiture of nets and all other appliances to the Fish Commissioners.

Dipnets, dimensions, etc.

Proviso.

Violation.

Fine and forfeiture.

Fyke nets.

Proviso.

Proviso.

Proviso.

Fine and forfeiture.

Section 8. That from and after the passage of this act, it shall be lawful to use fyke nets in the waters of this Commonwealth, not inhabited by brook or speckled trout, for the capture of eels, carp, catfish and suckers, during only the months of March, April, May, October, November and December; and in waters inhabited by shad, during only the months of March, April and May: Provided, Such fyke nets shall be without wings, and shall not be set to any wing-wall or any openings in dams: Provided further, That the owner or owners, or operator or operators, of such fyke nets shall immediately restore, and return alive, any other fish that may be captured in such fyke nets, to the waters from which such fish were taken: Provided further, That each fyke net shall have attached thereto a metallic tag bearing, legibly marked thereon, the name and address of the owner thereof. Any such person or persons, violating the provisions of this section, shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars for each fyke net placed in violation of the provisions of this section, and also to a fine of ten dollars for each fish unlawfully kept, together with forfeiture of nets and all other appliances, so used, to the Fish Commissioners.

(Section 9. repealed by act of March 20, 1903).

Herring, shad, bass, sturgeon, etc.

Section 10. That from and after the passage of this act it shall be unlawful to fish for herring, or alewife, shad, striped bass, otherwise called

rock fish, or sturgeon, except from the first day of January to the twentieth day of June, inclusive, in each year, during week days, ending Saturdays at sunset, and beginning after Sunday midnight; when it shall be lawful to fish therefor with seines or other nets: Provided, The nets for herring, or alewife, shall not be less than two and one-quarter inches in width of mesh or one and one-eighth inches from knot to knot: And provided, That the nets for shad and striped bass, or rock fish, shall not be less than four inches in width of mesh or two inches from knot to knot: And provided, That the nets for sturgeon shall have a mesh of not less than ten and one-half inches in width of mesh or five and one-quarter inches from knot to knot: And provided further, That no net shall be set, fastened or anchored at both ends, permanently or otherwise: And provided further, That nothing in this section shall forbid the catching of herring, shad and striped bass, commonly called rock fish, at any time with rod, hook and line, or hand line with spoon or other hooks attached. Any person or persons violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars, and the nets, boats and all appliances, so used, shall be forfeited to the Fish Commissioners.	Open season.
	Seines and nets.
	Proviso.
	Dimensions.
	Proviso.
	Fine and forfeiture.
	Outlines.
	Proviso.
	Tag of owner.
	Proviso.
	Weighting.
	Proviso.
	Cut or dead bait.

**Prima facie
evidence of
illegal
taking.**

**Fine and
forfeiture.**

**Killing of
mamoose
unlawful.**

Fine.

Dams.

**Chutes,
slopes and
fishways.**

Fine.

**Neglect or
refusal.**

**Powers of
Board of
Fish Com-
missioners.**

Proviso.

line or such single line, shall be prima facie evidence that said fish was taken illegally. Any person violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars, and shall forfeit to the Fish Commissioners the appliances used.

Section 12. That from and after the passage of this act, it shall be unlawful to catch and kill, or have in possession, the same being killed, any mamoose, or young sturgeon, not yet arrived at gravid or spawn-bearing stage, at any time during the year. Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty dollars for each mamoose so killed or had in possession.

Section 13. That from and after the passage of this act, any person, company or corporation, owning or maintaining a dam or dams, or who may hereafter erect or maintain a dam or dams, in any waters in this Commonwealth, shall immediately, on a written order from the Fish Commissioners, erect therein such chutes, slopes, fishways or gates as the Commissioners may decide necessary, to enable fish to ascend and descend the rivers at all seasons of the year; and any person, company or corporation refusing or neglecting to comply with the provisions of this section, shall forfeit and pay the sum of fifty dollars for every month he or they so neglect, which sum or sums shall be recovered by civil suit and process, in the name of the Commonwealth, and when collected shall be paid into the Treasury of the State for the use of the Fish Commissioners. If, after the lapse of three calendar months, the persons, company or corporation owning or maintaining said dam or dams, still neglect or refuse to erect or place the appliances as directed by the Fish Commissioners, the Board of Fish Commissioners are empowered to enter upon such dam or dams, and erect such slopes, chutes, or fishways or gates as they may decide necessary; and the cost thereof shall be charged against the person, company or corporation owning or maintaining such dam or dams, to be recovered by the Board of Fish Commissioners, by civil suit and process, in the name of the Commonwealth: Provided, That where, by

reason of any dam or dams having been constructed prior to the requirement by law of the placing of chutes, slopes or fishways therein, or for any other reason, the owner or owners of, or person or persons maintaining, such dam or dams cannot be compelled by law to pay the cost of erecting slopes, chutes or fishways, as provided in this section, the cost of erecting such slopes, chutes and fishways by the Fish Commissioners, as provided in this section, shall be paid by the Commonwealth of Pennsylvania, out of the funds not otherwise appropriated, upon warrants drawn by the Auditor General upon the State Treasurer. The Auditor General to be furnished by said Fish Commissioners with an itemized statement of the cost of such construction, which must be approved by him before he shall draw a warrant for the payment of same.

Cost of construction.

Aud. General to approve.

Section 14. That from and after the passage of this act, any person, company or corporation owning or operating a raceway, flume or inlet pipe, leading to a water wheel, turbine, pump or canal, shall, immediately upon receipt of a written order from the Board of Fish Commissioners, place and maintain a screen or net at the upper end of such raceway, flume or inlet pipe, sufficient to prevent fish from entering therein. Any person, company or corporation refusing or neglecting to comply with such order for a period of one month, shall forfeit and pay the sum of fifty dollars, which sum shall be recovered by civil suit and process, in the name of the Commonwealth, and when collected shall be paid in the Treasury of the State for the use of the Fish Commissioners. If one month after notification, the person, company or corporation, owning or operating such a raceway, flume or inlet pipe, has not placed such screen or net as may have been directed, the Fish Commissioners are empowered to enter upon such raceway, flume, or inlet pipe, and place such screens or nets as they may decide necessary; and the cost thereof shall be charged against the said person, company or corporation, and if not promptly paid, such cost may be recovered by the Board of Fish Commissioners by civil suit and process, in the name of the Commonwealth.

Screen or net at raceway, flume, etc.

Fine.

Neglect or refusal.

The cost.

Section 15. That from and after the passage of this act, it shall be unlawful to obstruct any fishway, or to fish with nets of any kind, or with any

Obstruction of fishing, etc.

	device whatsoever except rod, hook and line, or hand line, as hereinbefore described, within one-fourth of a mile of such fishway; or to place any obstructions or appliances in or near the waters of this Commonwealth, with intent and effect to obstruct or prevent the migration of fish therein.
Violation.	Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of fifty dollars for the first offense, and for any repetition of the offense one hundred dollars, together with a forfeiture of the devices and boats used, to the Fish Commissioners.
Fine and forfeiture.	
Removal of obstructions.	Section 16. That from and after the passage of this act, it shall be unlawful for any person, company or corporation to obstruct any fishway for any purpose whatsoever, without the written consent of the Board of Commissioners; any such obstruction, when found, shall be removed forthwith by any Commissioner, fish warden, sheriff, or other peace officer. Any person placing such obstruction shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars.
Fine.	
Purchase, sale or possession out of season.	Section 17. That from and after the passage of this act, it shall be unlawful to purchase, sell, or offer for sale, or have in possession, the same having been caught in this Commonwealth, any dead game or food fish, except during the lawful period for catching the same and the space of six (6) days after such period has expired. Any persons violating the provisions of this act shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each fish.
Fine.	
Purchase or sale of brook trout forbidden.	Section 18. That from and after the passage of this act, it shall be unlawful for any proprietor, manager, clerk, or agent of any market, hotel, boarding house, eating house, restaurant, or saloon, or any person, company or corporation, in this Commonwealth, to purchase, sell or expose for sale any brook or speckled trout; or to contract with, or to employ, any person or persons to catch or fish for brook or speckled trout for him or them, by the day or otherwise: Provided, That nothing in this section shall be so construed as to prevent, during the open season and six days thereafter, any person, company or corporation from selling brook or speckled trout, bred or raised
Proviso.	

artificially in ponds owned, leased or occupied by them for that purpose. Any person violating any of the provisions of this section, on conviction thereof as provided in section thirty-eight of this act, shall be subject to a fine of twenty-five dollars for each and every offense so committed.

Section 19. That from and after the passage of this act, any person, company or corporation, engaged in the cultivation or increase of brook or speckled trout by artificial propagation, may take the same from their own ponds in any way, and cause to be transported; and may sell the same, or the spawn of the same, at any time, for the purpose of stocking other waters only and common carriers may transport the same, and dealers may sell the same, for such purpose only, on condition that the packages thereof transported are accompanied by a certificate of a justice of the peace, certifying that said trout are sent by the owner or owners, or agents, or parties so engaged in fish culture and any person, company or corporation may take, in any way, at any time, upon the premises of any person, under permission of the owner thereof, brook or speckled trout to be kept and used for artificial propagation only: Provided, That nothing in this section shall prohibit any person, company or corporation, engaged in the propagation of any species of trout, from transporting and selling the same for food purposes, during the open season for such fish. Any person transporting or selling such trout, so propagated, during the close season for brook or speckled trout for food purposes shall on conviction thereof, as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars for each offense.

Section 20. That from and after the passage of this act, any person fishing in the waters of this Commonwealth for fish which may be legally taken, who shall capture any food or game fish during the season for which it is unlawful to catch the same, or of a size less than designated by law, or which may not legally be taken by the device used, shall immediately return the same unharmed to the water from which they were taken. Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each fish so captured and not returned.

Penalty.

Artificial propagation.

Sale and transportation.

Certificate.

Proviso.

Open season.

Close season.

Fine.

Fish illegally taken.

Fine.

Trespass.

Section 21. That from and after the passage of this act, it shall be unlawful to trespass, with intent to fish, in or upon the waters of any fish hatchery, operated by the Fish Commissioners, or by any corporation, person or persons not for profit; and it shall be unlawful to trespass, with intent to fish, in any waters, or from the banks thereof, not made public by grant or usage, or not declared public by legislative enactment, or not being public by common law, used in any way for the propagation of game or food fish, not for profit, by any corporation, person or persons, or owned or occupied by them, without permission being first given by such corporation, person or persons: Provided, Such corporation, person or persons, engaged in the artificial propagation of fish, not for profit, shall erect and operate, in or near the banks of said waters owned or controlled by them, a fish hatchery for the propagation of fish, for the stocking of waters so controlled: Provided, That no screens or dams shall be erected or maintained upon such waters, to prevent the free passage of fish: And provided further, That all water so used, owned or occupied shall be indicated

Proviso.**Proviso.****Notices.**

plainly by written or printed notices, posted conspicuously near or on the banks thereof; and if a roadway, pathway, railway, or other form of crossing shall pass over waters held, owned or so used, it shall be unlawful for any person, without permission by such owner, to fish in the said waters from such crossing, or any of its parts or projections; and any domestic water fowls trespassing upon such preserves may be destroyed; without any liability to the owner or owners thereof, provided five days' notice has been given said owner or owners. Any person violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars.

Fine.

Unlawful to apply to obtain from Fish Commissioners fish for private preserves.

Proviso.

Section 22. That from and after the passage of this act, it shall be unlawful for any person or persons to apply for, or to obtain from, or to attempt to obtain from, the Fish Commissioners, either for himself or another, any game or food fish, with intent to put the same into any private fish preserve, of any privately owned, occupied or leased water, or waters, where the public are prohibited from fishing by such owners and lessees and applicants: Provided, That this sec-

tion shall not apply to fertilized fish eggs, which the Commissioners may have in excess of the capacity of the State hatching houses to incubate and care for: Provided further, That nothing in this section shall be so construed as to prohibit planting trout fry, in small spring runs tributary to public or free waters, with the written consent of the Fish Commissioners: And provided further, That nothing in this section shall be so construed as to prohibit public school authorities from applying for and receiving fish or eggs for educational purposes. Any person violating the provisions of this act shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars.

Proviso.

Trout fry.

Educational purposes.

Fine.

Section 23. That from and after the passage of this act, public fishing shall exist in the following waters of this Commonwealth: All waters within land owned by the Commonwealth; all waters and parts of waters that have been or may be declared navigable by acts of Assembly, or public by common law; and such other waters made public by its owners, by grant or usage.

Waters for public fishing.

Section 24. That from and after the passage of this act, in the distribution of fish or fish fry by the Board of Fish Commissioners, preference may be given to the stocking of suitable waters in lands owned by the Commonwealth; and all mature fish in the several State hatcheries, not required for breeding, exhibition or educational purposes, shall be planted by, or under the supervision of, the Board of Fish Commissioners, in suitable waters in lands owned by the Commonwealth.

Preference in distribution of fish or fish fry.

Mature fish, planting of.

Section 25. That from and after the passage of this act, any waters within this Commonwealth, excepting small springs, runs tributary to public or free waters, in which fish received from the State are planted upon application of the owner or owners, or lessees of such waters, or by his or their written consent, shall be and the same are hereby declared open to the public for fishing purposes thereafter: Provided, That nothing in this section shall be so construed as to permit any person fishing in such waters, from the banks thereof, without the permission of the owners or lessees.

Waters open to the public.

Proviso.

Section 26. That from and after the passage of this act, it shall be unlawful to fish, in any waters within this Commonwealth, with dynamite, nitroglycerine, torpedoes, electricity, quicklime, or with

Fishing with dynamite, quick-lime, etc.

**Explosives
or poisonous
substances.**

any kind of explosive or poisonous substances; or to place such substances in any waters whatever, except for engineering purposes, when written permission has been given therefor by the proper National, State, city or county official or officials. Any person violating any of the provisions of this act shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars and imprisonment of six months in the county jail.

Violation.

**Fine and
imprison-
ment.**

**German
carp.**

Section 27. That from and after the passage of this act, it shall be unlawful to plant or deposit, in any water of this Commonwealth, any fish commonly known as German carp: Provided, That nothing in this section shall prohibit the Fish Commissioners from using carp as food for other fish, in the breeding ponds of the State hatcheries. Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars.

Proviso.

Fine.

**Forbidding
the planting
of carnivorous
fish in
trout
streams.**

Section 28. That from and after the passage of this act, it shall be unlawful to place, in any waters in this Commonwealth inhabited by brook or speckled trout, without the consent of owner or owners of the lands upon which such waters are located, and without the written consent of the Board of Fish Commissioners, any pike, pickerel, black bass, rock bass, or carnivorous fish. Any person violating the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars.

Fine.

Bait fish.

**Catching of
game fish in
private
waters for
certain pur-
poses.**

Proviso.

Section 29. That nothing in this act shall be so construed as to prohibit the catching of bait fish by the means of minnow nets, for angling or scientific purposes; or which shall prohibit any person from catching game fish with nets, or during close season for such fish, in waters owned by himself, for the purpose of stocking other waters, or the operation of any hatchery for the artificial propagation of such fish: Provided, Such operation is conducted through the direction of the Fish Commissioners, and under the supervision of their authorized representatives; or, to prohibit the Fish Commissioners, through their authorized representatives, removing from the waters, by means of nets, any fish which may be considered by them as injurious to other game or food fishes.

Section 30. That from and after the passage of this act, when in the opinion of the Board of Fish Commissioners it be deemed necessary for the protection and natural propagation of any fish not specifically named in this act, they may declare, by public proclamation, an annual spawning season for such fish, during which period it shall be unlawful to catch and kill the same, in any manner, in any of the waters of this Commonwealth: Provided, That such proclamation shall not be operative for more than three years. Any person taking and killing such fish during the so declared close season shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars.

Proclamation of annual spawning season.

Proviso.

Fine.

Section 31. That nothing in this act shall prohibit the taking of any fish, not herein specifically designated as game or food fish, at any time of the year, with rod, hook and line, or with hand line having not more than three hooks: Provided, That nothing in this section shall be so construed as to apply to any fish, not herein specifically designated as game or food fish, which the Fish Commissioners by proclamation may hereafter declare a close season, for propagation purposes, and then only within the waters designated by such propagation.

Taking of other than game or food fish.

Proviso.

Section 32. The prohibition and penalties provided in this act shall not be construed or held to apply to any waters forming the boundary line between this and any other State, over which this State has concurrent jurisdiction with such State, so far as such waters form such boundary line; nor to any lake partly within the boundaries of this State, nor to waters on any peninsula or of any bay adjacent to or connected with such lake, nor to any fish caught in any of the waters in this section mentioned.

Waters forming boundary line.

Section 33. That from and after the passage of this act, any Fish Commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, or any special officer, or any peace officer in this Commonwealth, is hereby authorized and commanded to proceed, with such force of the county as may be necessary to destroy, any device used contrary to or prohibited by law, in any of the waters of this Commonwealth; and they are hereby authorized and commanded to arrest forthwith, and without warrant, any person or persons owning, placing or using such device, or violating any

Duty of officers.

Destruction of illegal devices.

Arrest of violators.

Charge and hearing.

When county shall pay the costs.

Sunday arrests.

Refusal or neglect of officers to destroy illegal devices.

**Misdemeanor.
Fine.**

Interference with or resisting officers.

Fine and penalty.

Disposition of recovered fines.

of the provisions of this act; and they are further authorized and commanded to apprehend and arrest, and immediately take, any person or persons, who may be guilty of such violations, before any justice of the peace, magistrate or other legally constituted authority, and thereupon make charge of such violation of the law, or any provision thereof; and the magistrate shall forthwith hear and determine the charge as provided in section thirty-eight of this act; and in case of any failure of any Fish Commissioner, fish warden, or any other officer named above, to prove his case, the county in which the case is heard shall pay the costs. Such arrests may also be made on Sunday, in which case the person or persons shall be taken before the proper officer, and proceeded against as soon as may be practicable on a week day following the arrest.

Section 34. That from and after the passage of this act, any sheriff, deputy sheriff, constable, special officer, or any other peace officer of this Commonwealth, who shall refuse or neglect to proceed with sufficient force of the county to forthwith remove and destroy any existing device, illegally used for the catching of fish within his jurisdiction, after being notified, in writing, of the existence of such illegally used device, by a Fish Commissioner or any other citizen of this Commonwealth, shall be deemed guilty of a misdemeanor, and on conviction shall be fined five hundred dollars.

Section 35. That any person or persons interfering with any of the officers named, in the discharge of their duties, or resisting arrest, shall, on conviction thereof as provided in section thirty-eight of this act, pay a fine of not less than one hundred dollars, or be imprisoned in the county jail for not less than three months, or be subject to both penalties, at the discretion of the magistrate or court before which they or he shall be convicted.

Section 36. That from and after the passage of this act, one-half of each and every fine recovered for the violation of any of the provisions of this act shall be paid to the informer, and the remaining one-half shall be forthwith paid to the treasurer of the county in which the offense was committed; and the treasurer of the county shall pay over to the Fish Commissioners all moneys so forfeited and recovered by virtue of this act, and

the said commissioners shall pay over the same into the State Treasury. Said moneys to be placed by the State Treasurer to the credit of said Fish Commissioners, for their use in their work of fish propagation and protection. No unexpended balance of this fund, so placed to the credit of the Board of Fish Commissioners, shall at the end of the year be merged into the State Treasury.

Unexpended
balances.

Section 37. That in all cases of arrest made for the violation of any of the foregoing sections of this act, the possession of the fishes or the possession of the nets, or possession of or operation of other devices prohibited or not permitted by law, shall be prima facie evidence of the violation of this act.

Prima facie
evidence of
violation of
act.

Section 38. That from and after the passage of this act, any justice of the peace, alderman or magistrate, upon information or complaint made before him by affidavit of one or more persons, charging any person or persons with having violated any of the provisions of this act, is hereby authorized and required to issue his warrant, under his hand and seal, directed to any constable, police officer or warden, to cause such person or persons to be arrested and brought before such justice, alderman or magistrate, who shall hear and determine the guilt or innocence of the person or persons so charged; who, if convicted upon such charge, he shall be sentenced by said justice of the peace, alderman, or magistrate, severally, to pay the fine or fines, penalty or penalties, provided in this act for such violations, together with the costs of suit; one-half of which fines and penalties shall be paid to the informer, and the other half shall be paid to the treasurer of the county in which the prosecution shall be made, the same to be immediately disbursed in the manner provided for in section thirty-six of this act: Provided, That in case the defendant or defendants shall neglect to pay, at once, the fine or fines so imposed, such defendant or defendants shall forthwith be sentenced to undergo imprisonment, in the county jail of the county where such conviction takes place, for the period of one day for each dollar of fine so imposed and unpaid.

Authority of
justices of
the peace,
etc.

Warrants.

Convictions.

Fines and
penalties.

Proviso.

*Section 39. That the Fish Commissioners have power in cases where they have stocked with species of game or food fish, waters which hereto-

Waters in
which fish-
ing may be
prohibited.

Proviso.

fore have not contained such fish, or which have become barren of the same, to prohibit all persons from catching such fish for three years after they have been so introduced: Provided, Said Commissioners shall give public notice, by posting on the premises of such prohibition at the time, and publishing in two newspapers, published in the county where such waters are located, for a period of three consecutive weeks. Any person or persons violating the provisions hereof shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of ten dollars for each fish so unlawfully taken.

Fine.

Actions to be brought within a year.

Section 40. That all actions for any violation of any of the provisions of this act must be brought within one year from the time the offense was committed.

Section 41. This section is repealed by the act of April 2, 1903, creating a Department of Fisheries.

Duties of the Board of State Fish Commissioners.

Section 42. That the duties of the Board of State Fish Commissioners shall be: To faithfully enforce the various provisions of this act, and of all other laws now in force or that may hereafter be enacted for the protection or improvement of the fish, fisheries or waters of this Commonwealth; to have control of and superintend all fishways and fish hatcheries now owned or operated or that in the future may be owned or operated by the Commonwealth; to distribute and propagate game and food fish, and to propagate and distribute fish for educational purposes, and to forward the restoration and improvements of the fisheries of and in the waters of this Commonwealth; to remove therefrom and destroy all unlawful fishing devices and appliances; to order and compel the construction of fishways in such dams or falls, in streams or other waters of the Commonwealth, which in the judgment of said Commissioners should be supplied with such appliances for the free passage of fish between the upper and lower waters; to stock the public waters of the Commonwealth with fish, using their best judgment and discretion therein, as far as they shall be supplied with the means therefor; to receive all penalties collected, and disburse them according to the provisions of this act; and they shall have the appointment, supervision and control of all fish wardens, special fish wardens, superintendents of State hatcheries and

Appointment, supervision and control.

other employees, including legal counsel necessary to their work, and control of such corporation and organizations, organized for the purpose of fishing, or for the preservation of or artificial propagation of fish; and the said Fish Commissioners shall receive no compensation for their services, but shall be paid their reasonable and necessary expenses, incurred in the performance of their duties as prescribed by this act and audited by the proper officers; and shall report their proceedings annually to the Legislature, through the Governor of this Commonwealth, accompanied by a full and itemized statement, under oath, of all expenditures made by them in the performance of their official duties; and they shall have the right to issue bulletins relating to fish culture and fish protection, from time to time, as in their judgment such may be deemed for the best interests of their work.

Section 43. The Board of Fish Commissioners shall have the power and authority to appoint twelve competent citizens of this Commonwealth, whose powers are hereinafter defined, who shall be known as fish wardens. The said Board shall, from time to time, designate one of such wardens as chief warden, who shall remain as such during the pleasure of the Board, who shall perform such duties as the Board may assign to him, and who shall be subject to the direction of the Board, such chief warden shall have the direction, control and supervision of the other wardens and the special wardens. The chief warden shall occupy, as his permanent headquarters, a room assigned to the Board of Fish Commissioners for that purpose in the Capitol at Harrisburg. The chief warden shall give a bond to the Board of Fish Commissioners, in the sum of one thousand dollars, and each of the other wardens, a bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties; such bond to be approved by the Board of Fish Commissioners. Fish wardens, so appointed, shall hold office during the pleasure of the Board, which may summarily remove any of their number and appoint another competent citizen in his place. The wardens shall enforce all the fish laws of the State and the provisions supplementary thereto; and shall have power to execute all warrants and search warrants issued for the violation of the fish laws, and to serve subpoenas

To receive
no compen-
sation.
Expenses.

Annual re-
port.

Statement.

Bulletins.

Fish Ward-
ens.

Chief
warden.

Headquar-
ters.

Bonds of
wardens.

Powers and
duties of
wardens.

Search, examination and seizure. - issued for the examination, investigation or trial of all offenses against said laws. They shall have power, without warrant, to search and examine any boat, conveyance, vehicle, fish box, basket, bag, coat, or other receptacle for fish, when they have good reason to believe that any of the provisions of this act have been violated; and said wardens shall, at any time, seize and take possession of any and all killed fish, which have been caught, taken or killed at any time, in any manner or for any purpose, or had in possession or under control, or have been shipped or are about to be shipped contrary to any of the laws of this State. Each warden shall keep a record of his official acts, receipts and expenditures; and at the close of each month make a summary of such record, with such statements in detail as shall be necessary for the information of his chief, and report the same to the chief warden, under oath. The chief warden shall report to the Board any negligence or dereliction of duty or incompetency on the part of any of the other wardens, with the facts relating thereto; and he shall report monthly to the said Board the operations of his department during the preceding month, and shall make such further reports as may be required of him by the Board.

Report of wardens.

Reports of chief warden.

Search warrants. - Section 44. Any court having jurisdiction of the offense, upon receiving proof of the probable cause for believing in the concealment of any of the species of fish, designated in this act as food or game fish, caught, taken, killed, or had in possession, under control, or have been shipped or about to be shipped, contrary to the law, shall issue a search warrant, and shall cause search to be made in any place; and to that end may, after demand and refusal, cause any building, enclosure or car to be entered, or any apartments, chest, box, locker, crate, basket or package to be broken open, and the contents examined by any Fish Commissioner, fish warden, deputy warden, sheriff, constable or special officer, or any peace officer in this Commonwealth; and such officer shall not be liable for damages on account of any such search, examination or seizure, in accordance with the provisions of this act.

Compensation of wardens. - Section 45. That each fish warden, appointed in accordance with the foregoing sections, shall receive as a compensation for his services such salary

or compensation as may be named by the Board of Fish Commissioners, and such allowances for expenses as may be deemed by the Commissioners as just and reasonable: Provided, however, That no salaries, or compensation and expenses, shall in the aggregate exceed the amount of appropriation which may be made for this purpose.

Proviso.

Section 46. That the Board of Fish Commissioners may, whenever it is in their judgment desirable to do so, or on the written application of a properly organized fish protective association, or of any association of individuals with established hatching houses, appoint one or more special fish wardens for the counties for which the application is made: Provided, That the Commonwealth shall not be liable to pay any of the persons so appointed any salary or compensation or expenses for their services: Provided, also, That all such appointments shall expire on May thirty-first of each year.

Special fish wardens.

Proviso.

Section 47. The special wardens shall be clothed with the same power as the regular wardens, and they shall make report of the performance of their duties in the same manner. They shall also be under the control and direction of the Board of Fish Commissioners, and subject to removal at any time.

Powers and duties.

Section 48. The following acts and parts of acts of Assembly are intended to be supplied by this act, and the same are hereby repealed:

*1 "An act to amend and consolidate the several acts relating to game and fish," approved the third day of June, Anno Domini one thousand eight hundred and seventy-eight; each and all the several sections thereof in so far as they relate to fish.

2. A supplement to an "Act to amend and consolidate the several acts relating to game and game fish," approved the third day of June, one thousand eight hundred and seventy-eight, changing the time for hunting and killing deer, squirrels, rabbits, wild turkeys, pheasants, prairie chickens, approved the tenth day of June, Anno Domini one thousand eight hundred and eighty-one; each and all the several sections thereof so far as they relate to fish.

*It has been held by the Superior Court in the case of Comth. v. Rothermel, No. 40 Jan. T., 1905. That clause No. 1 of sec. 48, Act May 29, 1901, does not repeal any part of the Act of 1878, unless to be inconsistent therewith, and that sec. 17 of the Act of 1878, which forbids fishing on Sunday, is not repealed.

3. "An act for the protection of salmon, black bass and other food fishes newly introduced into the rivers Delaware and Susquehanna, and their tributaries, for the protection of these classes; also against unlawful fishing and to prohibit the introduction of predatory fishes into trout streams, and for other germane purposes," approved the twenty-fourth day of May, one thousand eight hundred and seventy-one.

4. "An act to provide for the appointment of a Board of Fish Commissioners, for construction of fishways, and for the propagation and protection of fish, and appropriating money for the same," approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and seventy-three.

5. "An act regulating the appointment and pay of fish wardens, or water bailiffs," approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four.

6. "An act to provide for the propagation and protection of fish, and appropriating money therefor," approved the eleventh day of June, one thousand eight hundred and seventy-nine.

7. "An act to prevent the catching, killing, exposing for sale or having in possession, of speckled trout, except from the fifteenth day of April to the fifteenth day of July," approved the eleventh day of June, Anno Domini one thousand eight hundred and eighty-five.

8. "An act for the protection of shad and game fish in the State of Pennsylvania," approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine.

9. "An act to provide for the appointment and increase the efficiency of the Commissioners of Fisheries of this Commonwealth," approved the fifteenth day of April, Anno Domini one thousand eight hundred and ninety-one.

10. "An act to amend an act, entitled 'An act for the protection of shad and game fish in the State of Pennsylvania,' approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine," extending the time in which pike, and pickerel may be caught," and approved the fifteenth day of April, Anno Domini one thousand eight hundred and ninety-one.

11. "An act to permit the use of eel pots in the rivers and waters of this Commonwealth, other

than trout streams," approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five.

12. "An act to prevent the placing in the waters of Pennsylvania of any torpedo, giant powder, nitro-glycerine, dynamite, electricity, lime or any poisonous or explosive substance of any kind, for the purpose of catching or taking fish providing for a penalty for the violation thereof," approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five.

13. And in addition to the above all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved—The 29th day of May, A. D. 1901.

WILLIAM A. STONE.

AN ACT

To repeal section nine of an act, entitled "An act to declare the species of fish which are game fish, and the species of fish which are commercially valuable for food, and to regulate the catching and encourage the propagation of the same; to define the public waters within the State; to protect the waters within the State from improper and wasteful fishing; to provide for the appointment of Fish Commissioners and fish wardens, and to declare their official powers and duties, to encourage and regulate artificial propagation of game and food fish by said State Fish Commissioners; to regulate the distribution of the same in the waters of the Commonwealth; to provide penalties and punishments for violation of the provisions of this act," approved the twenty-ninth day of May, Anno Domini one thousand nine hundred and one.

March 30,
1903, P. 44.

Section 1. Be it enacted, &c., That from and after the passage of this act, section nine of an act, entitled "An act to declare the species of fish which are game fish, and the species of fish which are commercially valuable for food, and to regulate the catching and encourage the propagation of the same; to define the public waters within the State; to protect the waters within the State from im-

proper and wasteful fishing; to provide for the appointment of Fish Commissioners and fish wardens, and to declare their official powers and duties; to encourage and regulate the artificial propagation of game and food fish by the said State Fish Commissioners; to regulate the distribution of the same in the waters of the Commonwealth; to provide penalties and punishments for the violation of the provisions of this act," which reads as follows:

Section 9,
act of May
29, 1901,
cited for re-
peal.

"Section 9. That from and after the passage of this act, it shall be lawful to catch with seine nets, at any time of the year, carp, catfish, eels and suckers in any waters of this Commonwealth not inhabited by trout, except its internal natural lakes or ponds which have been raised or extended by artificial means: Provided, The owner or owners, or operator or operators, of such nets shall give satisfactory bond to the Fish Commissioners, in the sum of two hundred dollars, to restore alive and unharmed any other fish that may be taken; and conditioned that the mesh of such nets shall not be less than one and one-half inches in width of mesh, or three-quarters of an inch from knot to knot; Provided, That any person or persons using or operating such net, without first executing the required bond, shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of one hundred dollars, and shall undergo imprisonment in the county jail for three months, with forfeiture of nets, boats and all other appliances, so used, to the Fish Commissioners," approved the twenty-ninth day of May, Anno Domini one thousand nine hundred and one, be and the same is hereby repealed.

Repeal.

Approved—The 20th day of March, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

To establish a Department of Fisheries, to provide for its proper administration, and to provide for the protection and propagation of fish by the Department of Fisheries.

April 2, 1903,
P. L. 128.

Department
of Fisheries.

Section 1. Be it enacted, &c., That there be, and is hereby, established a Department of Fisheries, to consist of a Commissioner of Fisheries and four

other citizens of the Commonwealth, who together shall constitute the Fisheries Commission, each of whom shall be appointed and commissioned by the Governor, by and with the consent of the Senate; the Commissioner of Fisheries, for a term of four years, two of the said citizens for a term of two years, and two of said citizens for a term of four years, and thereafter all appointments shall be made by the Governor, by and with the advice and consent of the Senate, for a term of four years. The persons so appointed, before entering upon the discharge of their duties shall each take and subscribe to the oath of office prescribed by article seven of the Constitution of Pennsylvania. The Commissioner of Fisheries, and the Fisheries Commission, so appointed, shall be clothed with all the powers heretofore conferred by law, respectively, upon the Board of Fish Commissioners, so far as the same are consistent with the provisions of this act.

Fisheries Commission.

Terms.

Oath of office.

Powers.

Section 2. The Commissioner of Fisheries shall be the president and executive officer of the Fisheries Commission, and shall also be chief superintendent of all hatching-stations and fish-cultural establishments belonging to the State; and he shall have full control and management of all such establishments, now existing or which may hereafter be established; and he shall have full control, direction and management of all fish-wardens or water-bailiffs; and he shall assume full charge of the work of the enforcement of the laws relating to the protection, propagation and distribution of fish; and all fish-wardens, constables, police, sheriffs, and guardians of the peace, shall make prompt report to him of all cases of violation of the laws relating to fish.

The Commissioner to be president, executive officer and chief superintendent.

Section 3. It shall be the duty of the Fisheries Commission to encourage and promote the development of the fishery interests of the State, and to obtain and publish information respecting the extent and condition of the fisheries of the Commonwealth, and to make all rules and regulations for the enforcement of all laws designated for the protection, extension and propagation of fish; and it is empowered to employ such legal and other service as may be necessary for the protection of fish, and for the apprehension and punishment of persons who may violate any of the laws relating to fish, or any of the rules and regulations which,

Duties of Fisheries Commission.

Powers.

**Salary of
Commissioner of
Fisheries.**

under the powers herein given, may be adopted by the said Commission.

Section 4. The Commissioner of Fisheries shall receive a salary of three thousand dollars per annum, payable quarterly, by warrant drawn by the Auditor General on the State Treasurer, and in addition thereto shall be reimbursed for all necessary expenses of travel, which may be incurred in the discharge of the duties of his office; and the other members of the Commission shall serve without salary, but shall be reimbursed for all necessary expenses incurred by them in the performance of the duties of their office.

Office.

Section 5. The Fisheries Commission shall have an office in the State Capitol, and it shall be the duty of the Board of Commissioners of Public Grounds and Buildings to provide, from time to time, the necessary rooms, furniture, apparatus and supplies for the use of the Department of Fisheries, created under the provisions of this act.

Clerk.

Stenographer.

Section 6. The Commissioner of Fisheries shall have the power to employ one clerk, at a salary of twelve hundred dollars per annum; one stenographer, at a salary of six hundred dollars per annum; said salaries to be paid monthly, by warrants drawn by the Auditor General on the State Treasurer.

Section 7. This act shall take effect on and after the first Monday of June, one thousand nine hundred and three.

Repeal.

Section 8. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved—The 2d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

**April 6, 1903,
P. L. 155.**

To regulate the catching or taking, within this Commonwealth, of bullfrogs and terrapin, and providing a penalty therefor.

**Bullfrogs
and terra-
pin.**

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful to catch, take or kill any bullfrogs, only from the first day of July to the first day of November, and

terrapin save only from the first day of November to the fifteenth day of March, in each year. Open season.

Section 2. Any person or persons offending against the provisions of this act shall be liable to a fine of twenty-five dollars for each and every offense, which shall be payable to the school district in which such offense is committed, and may be sued for and recovered before any alderman or justice of the peace of the proper county. Fine.

Approved—The 6th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

Fixing the salary of the stenographer in the Department of Fisheries.

April 22,
1905, P. L.

Section 1. Be it enacted, &c., That from and after the passage of this act, the salary of the stenographer of the Department of Fisheries shall be nine hundred dollars per annum.

Department
of Fisheries.
Salary of
stenog-
rapher.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved—The 22nd day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

Permitting the taking of carp, suckers and mullets, by means of seine-nets, from the waters of this Commonwealth, upon certain conditions.

April 24,
1905, P. L.

Section 1. Be it enacted, &c., That it shall be lawful to fish in any of the waters of this Commonwealth from September first until June twentieth, inclusive, in each year, with seine-nets, for carp, suckers and mullets: Provided, That the meshes of said seine-nets shall not be less than four inches in width, or two inches from knot to knot: And provided further, That before any person or persons shall be authorized to catch any carp, suckers or mullets, by means of said seine-nets, he or they shall first give a bond, to the amount of two hundred dollars (\$200), that all fish, other than carp, suckers or mullets, shall be imme-

Taking of
carp, suck-
ers and mul-
lets.

Proviso.

Proviso.

Bond.

- diately returned unharmed to the waters from which taken; the security to be approved by the courts of the county in which the person or persons reside; the same to be forwarded to the Department of Fisheries. Any person or persons who fail to return, immediately, to the waters from which taken any and all fish caught other than carp, suckers and mullets, shall, on conviction thereof, have his or their bond declared forfeited by the justice of the peace or magistrate before whom the case is tried; and all nets, boats, and all other appliances used, shall be forfeited to the Department of Fisheries; and any person or persons who shall violate any of the provisions of this act shall be subject to a fine of twenty-five dollars (\$25.00), together with the forfeiture of nets, boats, and all other appliances used, to the Department of Fisheries. The principal sum of the bonds forfeited and the fines collected under the provisions of this act shall be forwarded immediately by the justice of the peace or magistrate before whom each case is tried, through the county treasurer, to the Department of Fisheries, for its use in fish propagation and protection.
- Forfeiture of bond.**
- Fine, etc.**
- Procedure and disposition of fines.**
- Repeal.**
- Section 2. That the methods of legal procedure, and the disposition of fines and penalties, shall be according to existing acts relating to fish or fishing within this Commonwealth.
- Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.
- Approved—The 26th day of April, A. D. 1905.
- SAML. W. PENNYPACKER.

AN ACT

To amend the act, approved May twenty-ninth, one thousand nine hundred and one, entitled "An act to declare the species of fish which are game fish, and the species of fish which are commercially valuable for food, and to regulate the catching and encourage the propagation of the same; to define the public waters within the State; to protect the waters within the State form improper and wasteful fishing; to provide for the appointment of fish commissioners and fish wardens, and to declare their official powers and duties; to encourage and regulate the artificial propagation of game and food fish by said State Fish Commissioners; to regulate the distribution of the same in the waters of the Commonwealth; to provide penalties and punishments for the violation of the provisions of this act," by prescribing the number of tip-ups to be used, and the amount of fish to be taken in any one day, and by any one man.

Act March
14, 1907, P.
L. 18.

Section 1. Be it enacted, &c., That section two of said act, which reads as follows:—

"Section 2. That from and after the passage of this act, it shall be unlawful to fish for game fish, in any of the waters of this Commonwealth, in any manner except with rod, hook and line, or with hand line having not more than three hooks; or, for food fish, with any device not specifically permitted in this act. Any person violating any of the provisions of this section shall, on conviction thereof as provided in section thirty-eight of this act, be subject to a fine of twenty-five dollars," be and the same is hereby amended to read as follows:—

Section 2,
act of May
29, 1901, cited
for amend-
ment.

Section 2. That from and after the passage of this act, it shall be unlawful to fish for game fish, in any of the waters of this Commonwealth, in any manner except with rod, hook and line, or with hand line having not more than three hooks, or, for food fish, with any device not specifically permitted in this act; excepting for pickerel or yellow perch, which may be caught, through the ice, by the use of tip-ups, the number of which may be used by one fisherman is hereby unlimited, but the total number of fish,

Lawful
manner of
fishing.

Game fish.

Food fish.

Pickerel or
yellow
perch.

Tip-ups.

Violation.

Fine.

Proviso.

either pickerel or yellow perch, or both together, which may be taken by any one fisherman, in any one day, shall not exceed twenty pounds in weight, per man. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of not more than twenty-five dollars: Provided, That "rod, hook and line," in this act, shall mean the manner of fishing, and not the number of rods used.

Approved—The 14th day of March, A. D. 1907.

EDWIN S. STUART.

AN ACT

To classify the species of fish in such parts of boundary lakes, of more than five thousand acres, as this Commonwealth has jurisdiction over, and in the waters of any peninsula or in any bay adjacent to or connected with such lakes; to declare which fish are game fish, which fish are food fish, and which are minnows or bait fish; to protect and provide for the maintenance and increase of fish in such lakes; to regulate and provide for the payment of license fees for the catching of fish from such boundary lakes, and prohibit the unauthorized taking of fish from devices used by authorities of such license; to provide penalties and punishments for the violation of any of the provisions of this act; and requiring the county wherein an offence is charged to pay costs of prosecution in certain instances; and repealing all acts inconsistent herewith.

Act April 4,
1907, P. L.
50.

Boundary
lakes, etc.

Game fish.

Section 1. Be it enacted, &c., That in such part or parts of lakes of more than five thousand acres, lying between this any other State or foreign country, as this Commonwealth has jurisdiction over, and in any water on any peninsula or in any bay adjacent to or connected with such lake, the following named species of fish are hereby made specifically within the provisions of this act, to wit: All species or varieties of black or yellow bass, rock bass, calico bass or strawberry bass, crappie, muscallonge, and grass pike, which for the purpose of this act, are hereby classified and

hereinafter designated as game fish; and minnows and killifish, which shall hereinafter be designated as minnows or bait fish; and all other species of fish shall be called food fish.

Bait fish.
Food fish.

Section 2. That it shall be unlawful to fish for or capture any game fish in any waters, within the jurisdiction of this Commonwealth, described in the first section of this act, in any manner or with any device or appliance, or by any means whatsoever, except a rod and line having not more than three hooks, or with a hand-line having not more than three hooks, or a spear used for catching carp and suckers only, or with a trolling-line with spoon hooks attached; or, for food fish, with any device not specifically permitted in this act. Any person violating any provision of this section shall, on conviction thereof, be subject to a penalty of twenty-five dollars, or, in default of payment, undergo imprisonment in the county jail for the period of one day for each dollar of fine unpaid, except where otherwise provided; and any device, appliances or boats used in violating any of the provisions of this section shall be forfeited to the Department of Fisheries.

Devices and appliances.

Fine and penalty.

Section 3. That it shall be unlawful to fish for any kind of fish in any bay or in any waters on any peninsula described in the first section of this act, with nets or devices, or means of any kind, except a rod and line having not more than three hooks, or with a hand-line having not more than three hooks attached, or with a trolling-line with spoon-hooks attached, at any time in the year: Provided, That nothing in this section shall be so construed as to prohibit the use of minnow-nets for angling or scientific purposes, or to prohibit the Department of Fisheries from catching fish at any time of the year with nets, for the purpose of stocking other waters, or for taking spawn, or from removing, by means of nets, by contract or otherwise, any fish which it may deem injurious to other game or food fishes. Any person violating any of the provisions of this section shall, on conviction, be subject to a penalty of twenty-five dollars, or, in default of payment, be imprisoned in the county jail for a period of thirty days; and all nets, devices, appliances or boats used in violating any of the provisions of this section shall be forfeited to the Department of Fisheries.

Nets and other devices.

Proviso.

Scientific purposes.

Fine and penalty.

Forfeiture.

Length of fish which may be legally caught.	Section 4. That it shall be unlawful to catch and kill in any waters, within the jurisdiction of this Commonwealth, described in the first section of this act, or have in possession, either alive or dead, any rock bass, crapple, strawberry or calico bass, less than five inches in length; or any species of black bass or yellow bass, or any grass pike, less than nine inches in length; or any muscallonge less than fifteen inches in length. Any person violating any of the provisions of this section shall, on conviction, be subject to a penalty of five dollars for each and every fish so unlawfully caught, killed or had in possession; or, in default of payment, be imprisoned in the county jail for a period of one day for each dollar of fine unpaid.
Fine and penalty.	Section 5. That it shall be unlawful for any person, persons, partnership, or corporation to place, or allow to pass into or upon any part of any lake described in this act, any dead fish, fish offal, contents of tannery vats, coal-tar, gas-tar, sawdust, or planning-mill shavings. Any person violating, or any member of a partnership or officer of a corporation that consents to or permits the violation of, any of the provisions of this section shall, on conviction, be subject to a penalty of one hundred dollars, or, in default of payment, be imprisoned in the county jail for a period of three months.
Fine and penalty.	Section 6. That it shall be unlawful to fish in any waters described in the first section of this act, and over which this Commonwealth has jurisdiction, with dynamite, nitroglycerine, torpedoes, electricity, quicklime, or with any kind of explosives or poisonous substances, or to place such substances in any waters except for engineering purposes, when written permission has been given therefor by the proper National, State, city or county official or officials. Any person violating any of the provisions of this section shall, on conviction, be subject to a fine of one hundred dollars, or imprisonment of six months in the county jail.
Explosives or poisons.	Section 7. That in all cases of arrest made for the violation of any of the sections of this act, the possession of the fishes prohibited by such section, or the possession of a net, nets or other device, at or near a place where the use of such net, nets or other device is prohibited by such
Prima facie evidence of violation.	

section, shall be prima facie evidence of the violation of such section or sections.

Section 8. Any person or persons catching or selling game or food fish, or minor food fish, from the waters of any part of any lake described in the first section of this act, for the purpose of making compost or other fertilizing mixture, or who makes use of fish for such purposes without the consent, in writing, of the Department of Fisheries, shall, on conviction, be subject to a penalty of one hundred dollars, or an imprisonment of three months in the county jail, or both, at the discretion of the magistrate or court before whom conviction was had.

Use of fish
as compost,
etc.

Fine and
penalty.

Section 9. That no net of any description shall be set, fastened, drawn or used within two miles of the entrance of any bay described in the first section of this act; nor shall any gill-net be set within three-quarters of a mile of any other portion of the shore of the part of any lake over which this Commonwealth has jurisdiction, described in the first section of this act; nor shall any other net or nets, other than gill-nets and nets fastened to and supported by poles driven in the ground, be set, fastened, drawn or used within seventeen miles from such entrance to any bay described in the first section of this act, measured in a direct line. Any person violating any of the provisions of this section shall, on conviction, be subject to a penalty of one hundred dollars, or, in default of payment, be imprisoned in the county jail for a period of three months.

Distances.

Limit.

Fine and
penalty.

Section 10. That it shall be unlawful for any person or persons, company or corporation, operating nets or devices, of whatever description or character, in the waters of any part of any lake described in this act, to capture and kill any sturgeon under three feet in length, or to have in possession the carcasses or flesh of any sturgeon of less than three feet in length. Any sturgeon of less than three feet in length, which may be captured, must be returned forthwith to the waters, with care and the least possible injury. Any person or persons violating, or any member of a partnership or officer of a corporation that consents to or permits the violation of, any of the provisions of this section shall, on conviction, be subject to a penalty of twenty-five dollars for each sturgeon illegally captured, killed or had in possession; or, in default of payment, be imprisoned

Sturgeon.

Lengths.

Fine and
penalty.

in the county jail for a period of one day for each dollar of fine unpaid.

Bass.

Section 11. That it shall be unlawful for one person to catch or kill more than ten black or yellow bass in any one day. Any person violating the provisions of this section shall, on conviction, be subject to a fine of ten dollars for each fish so captured and killed, over and above the amount herein named; or, in default of payment, be imprisoned in the county jail for a period of one day for each dollar of fine unpaid.

Fine and penalty.

Section 12. That it shall be unlawful to fish in any part of the waters described in this act over which this Commonwealth has jurisdiction, with any gill-net having a mesh of less than three inches, stretched mesh, factory measure; and all gill-nets used in fishing for trout shall have meshes at least five and one-half ($5\frac{1}{2}$) inches in size, stretched mesh, factory measure; or with any pound-net, with the net at the back side of the crib having a mesh of less than two and one-eighth ($2\frac{1}{8}$) inches, stretched mesh, factory measure, and the net of the balance of the crib having a mesh of less than two and one-half ($2\frac{1}{2}$) inches, stretched mesh, factory measure: Provided, That until January first, Anno Domini one thousand nine hundred and eight, the net of the entire crib may have a mesh of not less than two and one-eighth ($2\frac{1}{8}$) inches, stretched mesh, factory measure. Any person or persons fishing, at any time of the year, with gill-nets or pound-nets having meshes of less size than those herein described, shall, on conviction, be subject to a fine of one hundred (\$100) dollars; or, in default of payment, each person convicted shall be confined in the county jail for a period of three months; and all boats, nets and other appliances used, together with any fish caught, shall be forfeited to the Department of Fisheries.

Gill-nets.

Pound-nets.

Meshes.

Proviso.

Fine and penalty.

Boats, nets and devices.

Section 13. That it shall be unlawful for any person, persons, company or corporation, to operate for the purpose of catching fish, any boat, boats, net, nets, or any device whatsoever, except a rod and line having not more than three hooks, or a hand-line having not more than three hooks, or a spear, used for catching carp and suckers only, or with a trolling-line with spoon-hooks attached, or with set-line with hooks attached, in any part of any lakes described in this

act, over which this Commonwealth has jurisdiction, without having first paid into the hands of the Department of Fisheries the following amounts as license fees, to wit: For each row or sail-boat, used in fishing with gill-nets, five dollars; for each boat of any other kind under ten tons gross burden, so used, ten dollars; for each boat of any kind of from ten to twenty tons gross burden, so used, fifteen dollars; for each boat of any kind over twenty tons gross burden, so used, twenty dollars; for each pound-net, ten dollars for each fyke-net, one dollar; for any other form of net or device, not less than one dollar or more than five dollars, as the Department of Fisheries may determine; and in addition to the license fees above set forth, the operators of each boat, so licensed, shall permit a man designated by the Commissioner of Fisheries to accompany such boat at any time when it is engaged in fishing, under and by virtue of such license, for the purpose of securing for the Department of Fisheries from the fish so caught so much of their spawn as said Department may desire to secure; and any person operating or employing others to operate, or any member of a partnership or officer of a corporation that employs or consents to the employment of any person to operate any boat, net, nets, device or devices, without having procured from the Department of Fisheries a license, as provided in this section, authorizing him, them or it so to do, shall, on conviction, be subject to a penalty of twenty-five dollars, or, in default of payment, be imprisoned in the county jail for a period of one day for each dollar of fine unpaid; and all nets, devices and boats, and appliances used in operation of said nets or devices, shall be forfeited to the Department of Fisheries.

License fees.

Spawn.

Fine and penalty.

Section 14. That it shall be unlawful for any person or persons, save the owner or owners thereof, or their lawful representatives, to remove or take fish from any device which has been duly licensed, and operated according to the provisions of this act. Any person or persons violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten dollars for each fish so unlawfully taken, provided the total amount of fine shall not exceed one hundred dollars for taking at any one time, and, in default of payment, be imprisoned in the county jail for

Unlawful taking of fish from licensed device.

Fine and penalty.

- Forfeiture.** a period of one day for each dollar of fine unpaid; and any fish recovered shall be returned to the owner or owners of the net or device from which they were taken, and all boats and appliances used in taking the fish unlawfully shall be forfeited to the Department of Fisheries.
- Issue of license.** **Term of.** **Proviso.** **License to be shown on demand of officers.** **Fine and penalty.** **Disposition of license fees and fines.** **Settlements.**
- Section 15. That whenever any person, persons, company, or corporation shall apply to the Department of Fisheries for a license to operate any boat, boats, net or nets, or other device, in any waters in which they may be used legally under the provisions of this act, the Department of Fisheries shall, upon receiving the fees provided in the thirteenth section of this act, issue such license, duly signed by the Commissioner of Fisheries, which license shall hold good from the time it is issued until the close of the calendar year in which it is issued, and shall be carried by the operator or operators of said boat, boats, net, nets, device or devices, while they are being used: Provided, That no license shall be issued to a resident of any State or county, whose laws prohibit the issuing of a license to a resident of the Commonwealth of Pennsylvania. Said license must be shown on demand by any fish warden, constable, deputy sheriff, Fish Commissioner, or any authorized representative of the Department of Fisheries. Any person having such license in his possession, and refusing to show it on demand, shall be subject to a penalty of five dollars, or be imprisoned in the county jail for a period of one day for each dollar of fine unpaid.
- Section 16. That all moneys collected as license fees and fines, under the provisions of this act, shall be paid, as received, into the State Treasury, for the use of the Commonwealth, accompanied by an itemized statement thereof, a copy of which shall be filed in the office of the Auditor General; and a duplicate thereof, when receipted by the Auditor General and the State Treasurer, shall constitute a settlement between the Commissioner of Fisheries and the Auditor General and State Treasurer as to the aforesaid license fees and fines.
- Section 17. That from and after the passage of this act, any Fish Commissioner, fish-warden, deputy-warden, sheriff, deputy sheriff, constable, or any special officer, or any peace officer in this Commonwealth, is hereby authorized and com-

manded to forthwith seize any net, nets, or device whatsoever, that may be used in violation of any provision of this act, and turn the same over to the Department of Fisheries; and they are hereby authorized and commanded to forthwith apprehend and arrest any person or persons who may be guilty of violating any of the provisions of this act, and take him or them before any justice of the peace, magistrate, or other legally constituted authority, and thereupon make charge of such violation of the law, or any of the provisions thereof; and the magistrate shall forthwith hear and determine the charge as provided in this act. And in case any Fish Commissioner, fish-warden, or any other officer named above, fails to prove his case, and the defendant or defendants are discharged, or, in case the defendant or defendants are convicted, and are sent to jail in lieu of the payment of fine or fines, penalty or penalties, the county in which the case is heard shall pay the costs. Such arrests may be also made on Sunday, in which case the person or persons shall be taken before the proper officer, and proceeded against on a week day following the arrest.

Seizures.

Arrests.

When county shall pay costs.

Section 18. That from and after the passage of this act, any justice of the peace, alderman or magistrate, upon information or complaint being made before him by the affidavit of one or more persons, charging any person with having violated any of the provisions of this act, is hereby required and authorized to issue his warrant, under his hand and seal, directed to any constable, police officer, or warden, requiring such person or persons to be arrested and brought before such justice of the peace, alderman, or magistrate, who shall hear and determine the guilt or innocence of the person or persons so charged; and, if convicted, such justice of the peace, alderman, or magistrate shall sentence the person or persons, so convicted, severally to pay the fine or fines, penalty or penalties, provided in this act for such violation or violations, together with the costs of suit; and such fines or penalties shall be appropriated as provided in section seventeen of this act.

Warrants.

Hearing.

Fine and penalty.

Section 19. That the following act and parts of acts, intended to be supplied by this act, be and the same are hereby repealed:—

Repeals.

"An act to classify the species of fish in such parts of boundary lakes, of more than five thousand acres, as this Commonwealth has jurisdiction over, and in the waters of any peninsula or in any bay adjacent to or connected with such lakes; to declare which fish are game fish, which fish are food fish, and which are minnows, or bait fish; to protect and provide for the maintenance and increase of fish in such lakes; to regulate and provide for the payment of license fees for the catching of fish from such boundary lakes; and to provide penalties and punishments for any violation of any of the provisions of this act, and to repeal all acts inconsistent herewith," approved the twenty-second day of April, Anno Domini one thousand nine hundred and five.

And, in addition to the above, all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved—The 4th day of April, A. D. 1907.

EDWIN S. STUART.

AN ACT

To regulate the taking of carp, suckers, mullets, and eels, in the waters of this Commonwealth, by means of gigs or spears; prohibiting the taking of all other fish by such means, and providing penalties for the violation of this act.

May 1, 1907.
P. L. 126.

Carp, suckers, mullets and eels.

Use of gig or spear.

Open season.

Violations.

Section 1. Be it enacted, That from and after the passage of this act, it shall be lawful to kill carp, suckers, mullets, and eels in the public waters of this Commonwealth, in which brook and other trout are not established or have been planted by the State, by means of a gig or spear having a space of not less than one-half an inch between the prongs, from May first to October thirty-first, inclusive, in each year; and it shall not be lawful to use such gig or spear at any time of the year, or in any waters of the Commonwealth, for the catching of any species of fish other than carp, suckers, mullets and eels.

Section 2. Any person or persons who shall take and kill other fish than carp, suckers, mullets, and eels with a gig or spear, contrary to the provisions of this act, or at any times or in any waters

other than is set forth in this act, shall be liable to a fine of ten dollars for each fish so taken, together with a forfeiture of boats, gigs, spears, and all other appliances used to the Department of Fisheries, and, in addition, be deprived of the right to fish with a gig or spear for two years after conviction.

Fine, etc.

Section 3. All proceedings against any person or persons for any violation of this act, and all disbursements of fines paid shall be according to the provisions of the existing acts governing fish and fishing in this Commonwealth.

Procedure, etc.

Approved—The 1st day of May, A. D. 1907.

EDWIN S. STUART.

A JOINT RESOLUTION

Providing for the creation of a Commission to co-operate with the authorities of the States of New Jersey, New York, and Delaware in regard to the propagation, protection, and catching of sturgeon, shad, bass, perch, and other fish in the Delaware River; the adoption of concurrent laws relevant thereto by such States; and to co-operate with the authorities of the State of Maryland in regard to fish and fishing in the Susquehanna River, and the adoption of concurrent laws relevant thereto by such States; and to inquire in relation to the pollution of the waters of said rivers, and recommend legislation regulating and controlling the same; and making an appropriation for those purposes.

May 8, 1907,
P. L. 193.

Whereas, By a joint resolution, approved March one, Anno Domini one thousand nine hundred and five, entitled "A joint resolution for the creation of a Commission for the purpose of co-operating with the authorities of the State of New Jersey in regard to the propagation of sturgeon, shad, bass, perch, and other fish, and the adoption of concurrent laws relevant thereto by both States," a Commission, composed of two members of the Senate, three members of the House, and the Commissioner of Fisheries, was appointed; and

Whereas, Since the appointment of the Commission, a concurrent bill was agreed upon by the States of Pennsylvania and New Jersey, and

Whereas.
Creation of a Commission to co-operate with the authorities of New York, New Jersey, Delaware, and Maryland in regard to propagation of fish, etc.

passed by the Legislature of Pennsylvania at the session of nineteen hundred and five, which bill was disapproved by the Governor on the ground of supposed defects; and

Whereas, By compact between the States of New Jersey and Pennsylvania, made in seventeen hundred and eighty-four, it is necessary to have concurrent legislation in regard to fish and fishing in the waters of the Delaware River; and Whereas, The States of New York, Delaware, and Maryland expressed a desire to co-operate, and have appointed Commissions to frame concurrent or similar legislation; and

Whereas, At said session of nineteen hundred and five, owing to the failure of the Senate resolution, extending the power, scope, and life of the Commission, for the purpose of co-operating with said States, to pass the House, on account of lack of time, the two thousand five hundred dollars appropriated for the purpose of said Commission, with extended powers, did not become available:—

The Commission, how composed.

Therefore be it resolved, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That a Commission shall be created, consisting of two members of the Senate, to be appointed by the President pro tempore of the Senate; three members of the House, to be appointed by the Speaker, the present President pro tempore of the Senate, and the present Speaker of the House of Representatives, the Commissioner of Fisheries, and one person to be appointed by the Governor, who shall meet with the authorities or Commissions of the States of New York, New Jersey, Delaware, and Maryland, at such times and places as may be desirable, with a view to carry out the objects and purposes as hereinbefore set forth.

Duties.

Appropriation.

That for the purpose of said Commission, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated, out of which any expenses of the Commission which was appointed under joint resolution, approved March one, Anno Domini one thousand nine hundred and five, shall be paid; and the aforesaid two thousand five hundred dollars shall revert to the State Treasury, as though never appropriated. Said amount to be paid on the warrant of the Auditor General, drawn in favor of the Chairman of said committee. The money

hereby appropriated, by the provisions of this joint resolution, shall become available immediately.

Approved—The 8th day of May, A. D. 1907.
EDWIN S. STUART.

AN ACT

Authorizing the taking of suckers, catfish, carp, and eels in the waters of this Commonwealth, through the use of fish-baskets, and prescribing penalties for violation of its provisions.

Act May 29,
1907, P. L.
311.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful to catch suckers, catfish, carp, and eels, in any waters under the control of this Commonwealth, through or by or with the use of what is commonly known as a fish-basket, with wing-walls: Provided, The bottom of such fish-basket shall be made of wooden slats, set not less than three-eighths of an inch apart, when wet, and having the edges of each slat well rounded. These slats shall be so arranged as to make possible the removal, or practical removal, of at least three-fourths of the bottom of any basket that could be used for fishing, at that time; and the same shall be actually removed from said basket, or so adjusted as to make the catching of a fish by said basket an impossibility, during that part of each day beginning at one hour after sunrise and continuing to one hour before sunset, unless said fish-basket be under the immediate care and supervision of an operator who shall be responsible for each and every game fish taken through the use of said basket and retained, or permitted by him to have been so taken and retained. Each and every game fish that may come into any basket thus operated shall be immediately released unharmed, in the waters below said basket.

Fish-bas-
kets, use of
in taking
suckers,
catfish,
carp, and
eels.
Proviso.
Construc-
tion of
basket.

Close hours.

Release of
game fish.

Section 2. Before any person shall be legally entitled to operate a fish-basket under the provisions of this act, he shall be required to secure a license authorizing such action. Said license shall be issued by the treasurer of the county in which such person proposes to operate; and shall cost the sum of one dollar, twenty-five cents of which

License to
operate
fish-basket.

shall belong to the county treasurer, for services rendered, and the remaining seventy-five cents shall belong to and be forwarded to the Department of Fisheries, at Harrisburg, on or before the first day of the next month following the date of such license, together with a copy of each license issued.

Numbering
of basket.

Section 3. Each fish-basket operated under the provisions of this act shall bear the number of the certificate issued to the owner thereof, the same to be in black or white figures, of not less than twelve inches in length, painted or fastened upon each side of said basket, in a conspicuous place.

Open sea-
son.

Section 4. Said basket may be operated, at any time, from the fifteenth day of August to the first day of December next following, by any person or persons under the direction of the owner thereof, who shall, for the purposes of this act, be in all instances the person named in said license; and such owner shall be responsible for any violation of any fish law of this Commonwealth, through or by the use of such basket;

Owner's re-
sponsibility.

and shall be required, on or before the first day of December next following the date of such license issued to him, to make an affidavit, in writing, and forward the same to the Department of Fisheries at Harrisburg, clearly setting forth the fact that he has not, since the date of the license to him, either taken himself or permitted another to take and retain a game fish of any kind, through or by or with the use of said basket. For refusing to make this affidavit, upon demand made in writing by any officer of the Department of Fisheries, or for violating any specific provision of this act, such person shall be liable to a penalty of twenty dollars: Provided, That any owner of a fish-basket, who may know of a violation of any fish law of this Commonwealth by another person through the use of his fish-basket, shall be exonerated of all personal liability for such offense if he, within one week of the commission of such violation, notify the Department of Fisheries of such fact, and testify against the offender in case such person is prosecuted by said Department.

Owner's affi-
davit.

Refusal.

Penalty.

Proviso.

Unattended
basket in
daytime.

Section 5. The operator of any fish-basket, who may elect to fish his basket during any time beginning at one hour after sunrise and ending at

one hour before sunset, who shall leave the same unattended for a period of one hour, while it is set for fishing during such daytime, shall be liable to a penalty of ten dollars.

Penalty.

Section 6. All penalties collected for violation of any provision of this act shall belong to the Department of Fisheries, and shall be forwarded by the court receiving the same to the State Treasurer, to be held by him as a fund separate and apart, for the use of said Department, to be drawn out upon order of the Commissioner of Fisheries and the Auditor General.

Disposition of fines.

Section 7. Each and every magistrate, alderman, and justice of the peace in this Commonwealth shall have the right of summary conviction in all matters pertaining to violation of any provision of this act, and shall have the right and power, under the forms of existing law, to cause the arrest of any person or persons charged with such violation within a period of one year from the date of the commission of the offense; to hear the evidence, and to acquit or convict, as the case may be. In all cases of conviction, the defendant or defendants shall each be sentenced to pay the penalty imposed by the section violated, together with the costs of prosecution; and, in default of the payment thereof, shall be committed to the common jail of the county for a period of one day for each dollar of penalty imposed, unless he shall enter into good and sufficient recognizance, with one or more sureties, to answer such complaint, on a charge of misdemeanor, before the court of quarter sessions of the peace in and for the county in which the offense was committed; which court, on the conviction of the defendant by a jury, and his failure to pay the penalty imposed by law and the costs of prosecution, shall commit such person to the common jail of the county for a period of one day for each dollar of penalty imposed.

Magistrates, etc., rights and powers of.

Hearing.

Penalty.

Bail

Trial.

Penalty.

Repeal.

Section 8. All acts or parts of acts inconsistent with the provisions of this act are herewith repealed.

Approved—The 29th day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

To provide for the ordinary expenses of the Executive, Judicial and Legislative departments of the Commonwealth, interest on the public debt, and the support of the public schools, for the two fiscal years beginning June first, one thousand nine hundred and five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and five.

Department of Fisheries.

For the payment of the salary of the Commissioner of Fisheries two years the sum of six thousand dollars (\$6,000.00).

For the payment of the salary of the clerk, two years, the sum of two thousand four hundred dollars (\$2,400.00).

For the payment of the salary of two stenographers, two years, the sum of three thousand six hundred dollars (\$3,600.00).

For the purpose of hatching, propagating and distributing food and game fish and stocking and supplying the waters of the Commonwealth with the same, and distributing fish and employing the necessary labor, material and implements therefor, and paying for the repairs, improvements and necessary extensions to the State hatcheries two years, the sum of eighty thousand dollars (\$80,000.00).

For the payment of counsel fees and court expenses, two years, the sum of two thousand dollars (\$2,000.00).

For the payment of the necessary and reasonable expenses of the Commissioner of Fisheries and other members of the Fishery Commission, and office employees, two years, the sum of two thousand dollars (\$2,000.00).

For the erection of fishways, two years, the sum of four thousand dollars (\$4,000.00).

For the payment of the salaries and reasonable expenses of fish wardens, two years, the sum of twenty thousand dollars (\$20,000.00).

For building ponds, extensions and other work incidental towards completing hatcheries, two years, the sum of ten thousand dollars (\$10,000.00).

For the payment of the contingent expenses, two years, the sum of two thousand dollars (\$2,000.00).

For the payment of deficiencies in the hatcheries and work of protection, two years, the sum of one thousand dollars (\$1,000.00).

To provide for the purchase of a Launch to be used in gathering spawn, planting fish fry, and guarding against violation of the fish laws on Lake Erie, and for general fish propagating purposes, the sum of six thousand dollars (\$6,000.00).

For the purpose of maintaining and operating Launch, one year, the sum of three thousand dollars (\$3,000.00).

For field work in gathering spawn, et cetera, et cetera, the sum of four thousand dollars (\$4,000.00).

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF FISHERIES.**

W. E. Meehan, Commissioner of Fisheries.

**W. A. Leisenring, Mauch Chunk, Pa.; Andrew R. Whitaker,
Phoenixville, Pa.; John Hamberger, Erie, Pa.; Henry C.
Cox, Wellsboro, Pa., Fishery Commissioners.**

NOTICE.

**Department of Fisheries of Pennsylvania,
Harrisburg, June 1, 1907.**

The Department of Fisheries of the Commonwealth of Pennsylvania was created for the purpose of propagating and protecting fish. Applications for fish for planting in waters in which the public are allowed to fish may be obtained by applying to the Department of Fisheries, Harrisburg, Pa.

As the protection of fish is as important as propagation all good citizens are respectfully urged to co-operate with the Department of Fisheries in the enforcement of the laws enacted by the Legislature for the protection of fish. Persons having knowledge of violation of any of these laws are asked to communicate with the office at Harrisburg or with one of the wardens giving such information as they may possess which will lead to the arrest and conviction of the offenders.

Attention is called to the act of March 22, 1899 creating constables, ex-officio, fire, game and fish wardens, and should any constable refuse or neglect to perform his duty as required by the act of March 22, 1899, the fact should be communicated to the Department. Should any warden, special or regular, prove derelict to his duty the fact should also be communicated to the Department.

The attention of constables and in fact of all who under the law are charged with the protection of fish is called to section 2 of the act of April 2, 1903, to establish the Department of Fisheries, a prompt report must be made to the Department of all cases of violation of the laws relating to fish.

**W. E. MEEHAN,
Commissioner of Fisheries.**

SUMMARY OF IMPORTANT PROVISIONS OF THE FISH LAW.

The Department of Fisheries has nothing whatever to do with the enforcement of either the Game or the Forestry laws of this Commonwealth.

All letters relating to fish or to fishing in this Commonwealth should be addressed to the Department of Fisheries at Harrisburg, Penna.

All correspondence with the department will be held strictly confidential and the name of no informer will be made public without his consent.

It has been decided by the Superior Court that section 17 of the act of June 3, 1876, which forbids fishing on Sunday was not repealed by section 48 of the act of May 29, 1901, and is therefore in force.

Comth. v. Rothermel, 27th Penna. 648.

It has been decided by the Superior Court that a person fishing with a rod hook and line and a hand line containing three hooks was not guilty of violating the provisions of the act of May 29, 1901.

Comth. v. Bercaw, 30th Penna. 335.

The act of March 14, 1907, amending section 2, of the act of May 29, 1901, declares that the words "rod, hook and line" as used in said section are intended to describe a manner or method of fishing, and not an attempt to limit the number of appliances that may be used at one time.

This does not affect the number of hand lines, that may be used except in the taking of pickerel and yellow perch, in which case the hand line in the form of a tip-up may be used in unlimited numbers.

The Commissioner of Fisheries has ruled that three hooks fastened together after the manner of those attached to trolling spoons, shall be considered as one hook.

The law authorizes the spearing of carp, suckers and eels, says the prongs of any spear so used shall not be less than one-half inch apart. It has been decided by the Attorney General that the points of measurement between the prongs of a gig or spear is from the extreme point of the longest barb on one prong, to the point of the longest barb on the adjoining prong, when the same are directly opposite to one another. Where the barbs are not opposite to one another the measurement shall be from the extreme point of a barb

on one prong to a line drawn parallel with the adjoining prong, and corresponding in distance from said prong with the point of the longest barb on said prong.

It has been decided by the Superior Court, that the provision of the act of May 29, 1901, limiting the taking of game fish to "rod, hook and line, or hand line having not more than three hooks attached," and the taking of food fish to "means specifically permitted," also restricts to the same methods, the taking, or at least the "fishing for" fish not named in said act, as either game fish or as food fish.

The evidence in this case showed that the defendant was fishing with four hand lines at one time and had caught several suckers.

The court in concluding its opinion says, "The guilt of the defendants did not depend upon what they caught, but, in fishing for either game or food fish with a device not permitted by the act."

Comth. v. Kenney and Humaw, advanced reports Legal Intelligencer, p. 544; this case has been carried to the Supreme Court.

There shall be no fishing on the first day of the week commonly called Sunday.

Section 17, act of June 3d, 1878, page 76.

Any citizen of the Commonwealth may prosecute violators of the fish laws.

Salmon, brook trout, and all fish belonging to the family of salmon or trout; black bass, green, or Oswego bass; crappie, grass, or strawberry bass, white bass, rock bass, blue pike, pike, perch; Susquehanna salmon, or wall-eyed pike, pickerel, sunfish and muscallonge are classed by the law as game fish.

Shad, white fish, herring, lake herring, cisco herring, alewife, sturgeon, stripped bass, or rock fish, are classed as food fish.

Section 1, act of May 29, 1901, page 90.

No game fish can be legally taken except with rod, hook and line, or hand line containing not more than 3 hooks.

Penalty \$25 for each offense.

Section 2, act of May 29, 1901, page 90.

The season for the legal taking of trout of all kinds, except lake trout, begins April 15th and closes July 31st inclusive.

Lake trout can be legally taken from January 1st to the 1st day of September, inclusive.

All other game fish can be legally taken from June 15th to February 15th inclusive.

Penalty \$10 for each fish illegally taken and retained.

Section 3, act of May 29, 1901, page 90.

Size of fish that may be legally taken is fixed by law. See table , page 108.

Penalty \$10 for each fish illegally taken and retained.

Section 4, act of May 29, 1901, page 91.

But fifty trout can be legally taken in one day.

Penalty \$10 for each fish taken and returned in excess of that number.

Section 5, act of May 29, 1901, page 91.

Eel pots of certain size may be used in manner prescribed by law.

Section 6, act of May 29, 1901, page 91.

All owners of fish baskets operated under the provisions of this act are required by the act to make affidavit at the close of each season, that no fish other than carp, suckers, cat-fish and eels were taken in said baskets, either by himself or by others with the consent or permission of said owner or to his knowledge.

The owner of any fish basket operated under the provisions of this act, is by the act given a fair opportunity, through information to the Department of Fisheries, to clear himself of any liability that might attach to him personally for wrongs done by others, through the use of said basket. If he fails to take advantage of this privilege he is personally liable.

A false oath in a matter of this kind is perjury.

Dip nets of prescribed size may be used for the taking of carp, eels, cat-fish, and suckers, in waters of the Commonwealth, not inhabited by trout, during the months of March, April, May, October, November and December.

All game fish taken except by means specifically permitted must be returned, unharmed, to the waters whence they are taken.

Penalty \$10 for each game fish so taken and retained, with forfeiture of all fish appliances used.

Act of May 27, 1901. Page 93.

Fyke nets, without wing walls may be used for the taking of carp, eels, catfish and suckers, in waters not inhabited by trout, during the months of March, April, May, October, November and December, if shad be not found in said waters, and in waters inhabited by shad during the months of March, April and May.

All nets so used must have attached a metallic tag, bearing the name and address of the owner, and all fish other than carp, eels, catfish and suckers, so caught must be returned, unharmed, to the waters from which they are taken.

Penalty \$10 for each net used in violation of the law, and \$10 for each fish so taken, and illegally retained, also forfeiture of all appliances used.

Section 8, act of May 29, 1901, page 92.

Carp, suckers, mullets and eels may now be speared from May 1, to October 31, in streams other than trout streams.

Act May 1, 1907, page 124.

Suckers, catfish, carp, and eels may be taken in fish baskets with wing walls from the 15th of August to the first day of December next following.

Act May 29, 1907, page 127.

Shad, herring, striped bass or rock fish and sturgeon can be legally taken in seines or nets of prescribed mesh from January 1st to June 20th of each year, inclusive. Rock fish can be legally taken at any time of the year, except Sunday, with rod, hook and line, or hand line containing not more than three hooks.

Penalty \$100 and forfeiture of all appliances used.

Section 10, act of May 29, 1901, page 92.

Outline may be legally set for carp, eels, suckers and catfish, in waters not inhabited by trout, provided dead bait only is used, and the line weighted to the bottom of the stream.

All other fish taken by the outline must be released, with as little injury as possible.

It has been held that the leaving of an outline in the water, with hooks attached during the day time or on Sunday, said hooks being baited or unbaited, is a violation of law.

The possession of game fish by any one, operating an outline is prima facie evidence of a violation of the law.

Penalty \$25 and forfeiture of all appliances used.

Section 11, act of May 29, 1901, page 93.

Young sturgeon, not yet arrived at the spawn bearing period, can not be legally killed at any time.

Penalty \$25 for each fish killed.

Section 12, act of May 29, 1901, page 94.

Fishways must be constructed in all dams built, or to be built, in this Commonwealth.

Penalty \$50 for each month of failure to comply with the law.

Section 13, act of May 29, 1901, page 94.

All persons operating a water wheel, or other appliance, whereby fish may be destroyed, must maintain a screen, or other apparatus, whereby the fish may be prevented from entering said wheel or appliance.

Penalty \$50 for each month of neglect after notice by the Fish Commission.

Section 14, act of May 29, 1901, page 95.

Fishways must not be obstructed.

Penalty \$50 for first offense, \$100 for repetition, with forfeiture of all appliances used.

Section 15, of the act of May 29, 1901, page 95.

It is illegal to buy, or sell, or offer for sale, or have in possession any of the game or food fish, caught in an sale, or have in possession any of the game or food fish, except during the open season for the same, and for six days thereafter

Penalty \$10 for each fish.

Section 17, act of May 29, 1901, page 96.

Wild brook trout may not be legally bought, or sold, at any time.

Trout artificially raised may be bought and sold, for food during the open season for the catching of wild brook trout, and for six days thereafter, but at no other time.

Penalty \$25.

Section 18, act of May 29, 1901, page 96.

Trout artificially raised may be caught at any time, and in any manner, and may be sold for propagating purposes, but not for food.

Penalty \$100.

Section 19, act of May 29, 1901, page 97.

Fish caught in any illegal manner must be released alive, and with as little injury as possible, in the waters whence they were taken.

Penalty \$10 for each fish illegally taken and retained.

Section 20, act of May 29, 1901, page 97.

It is illegal to trespass upon any waters of this Commonwealth, where fish are cultivated, not for profit or operated by the Fish Commission.

Penalty \$25.

Section 21, act of May 29, 1901, page 98.

It is unlawful to procure, or to attempt to procure fish from the Fish Commission of this State, for the purpose of stocking private streams.

Penalty \$25.

Section 22, act of May 29, 1901, page 98.

It is lawful to fish in all the waters of this Commonwealth that have been declared navigable by act of Assembly, or public by common law, or grant, or usage.

Section 24, act of May 29, 1901, page 99.

Waters on lands belonging to the Commonwealth, shall be given preference, in the distribution of fish by the Fish Commission.

Section 24, act of May 29, 1901, page 99.

All waters of this Commonwealth, except small springs, stocked at the public expense, are open to public fishing.

Section 25, act of May 29, 1901, page 99.

Fishing with explosives and poisons, absolutely prohibited.

Penalty \$100 and imprisonment of six months.

Section 26, act of May 29, 1901, page 99.

The planting of German carp in any of the waters of the Commonwealth is prohibited.

Penalty \$100.

Section 27, act of May 29, 1901, page 100.

The planting of carnivorous fish in trout streams is prohibited.

Penalty \$100.

Section 28, act of May 29, 1901, page 100.

All fish may be caught at any time, and in any manner, for propagating purposes in private waters of the Commonwealth.

Section 29, act of May 29, 1901, page 100.

All fish of this Commonwealth, not classed as game, or food fish may be taken at any time of the year with rod, hook and line.

Section 31, act of May 29, 1901, page 101.

The provisions of the act of May 29, 1901, do not apply to waters forming the boundary line between this State, and any other State, or Nation.

Section 32, act of May 29, 1901, page 101.

It is the duty of all peace officers of the Commonwealth, to destroy all illegal devices, used in fishing, and to arrest the parties operating the same.

May arrest without warrant where parties are caught in the act.

Arrests may be made on Sunday.

Section 33, act of May 29, 1901, page 101.

Neglect or refusal on the part of peace officers, to destroy illegal devices made a misdemeanor.

Section 34, act of May 29, 1901, page 102.

It is illegal to interfere with or resist an officer in the discharge of his duty.

Penalty not less than \$100 and imprisonment not less than three months.

Section 35, act of May 29, 1901, page 102.

The possession of any illegal device for fishing, at or near the place, where the same can be used, is prima facie evidence of a violation of the law.

Section 37, act of May 29, 1901, page 103.

The Fish Commission has the power to close, by prescribed forms, any public waters of this Commonwealth, stocked with fish by said Commission.

Section 39, act of May 29, 1901, page 100.

All actions for violation of the fish law must be brought within one year, from the date of the commission of the offense.

Section 40, act of May 29, 1901, page 104.

Fisheries Department:

Duties of.

Shall receive no compensation for services, except Commissioner of Fisheries.

Expenses to be paid.

Appointment of wardens.

Office to be maintained at Harrisburg.

Powers of wardens.

Compensation of wardens.

Sections 43, 44, 45 and 46, act of May 29, 1901, page ..—.

Act of April 2, 1903. pages 105, 106, 107.

Appointment of special fish wardens.

Section 46, act of May 29, 1901, page —.

Private police may be appointed by the Governor, to protect private fish interests.

Act of June 10, 1881, page 36.

All constables of the several wards, boroughs and townships of this Commonwealth, are ex-officio fish wardens.

Act of March 22, 1899, page 14.

Section 9 of the act of May 29, 1901, which allowed the taking of eels, suckers, catfish and carp by means of seine, is repealed by the act of March 20, 1903, page 109.

A Department of Fisheries with all the powers of the Fish Commission was created by the act of April 2, 1903, page 110.

Bull frogs and terrapin are now protected for a certain time.

Act of April 6, 1903, page 112.

According to an opinion of the Office of the Attorney General the word "terrapin" in this act, does not apply to the snapping turtle or to the yellow leg.

SUMMARY OF IMPORTANT PROVISIONS OF THE FISH LAW GOVERNING THE BOUNDARY WATERS OF THE STATE.

The list of game and food fish in these waters is the same as in the State at large.

Section 1, act of April 4, 1907, page 116.

Manner of taking game fish, in boundary waters, the same as in the other waters of the State, viz: with rod, hook and line.

Penalty \$25 with forfeiture of all nets and appliances illegally used.

Section 2, act of April 4, 1907, page 117.

It is illegal to catch, either game or food fish, for the purpose of making compost or fertilizer.

Penalty \$100 and imprisonment for three months.

Section 8, act of April 9, 1907, page 119.

Contamination of streams or waters described in this act forbidden.

Penalty \$100.

Section 5, act of April 4, 1907, page 118.

It is illegal to use a net, or seine of any description, within two miles of the mouth of any stream, or the entrance to any bay, named in the first section of this act, or to set a gill net or nets, within three-quarters of a mile, of any portion of the shore of said waters.

Nets of no description except gill nets and nets fastened to poles can be legally used within seventeen miles of the shore of any waters described in the first section of this act.

Penalty \$100 and imprisonment for three months.

Section 9, of the act of April 4, 1907, page 119.

License fee required from any person, or corporation, operating a fishery in any of the waters named in this act.

Penalty \$100.

Section 15 act of April 4, 1907, page 122.

License must be exposed for examination upon demand made by proper officer.

Penalty \$5.

Section 16, act of April 4, 1907, page 122.

References in this book to court decisions upon the subject of game, will also apply to fish, page 211.

Special attention of fishermen is called to the trespass law found on page ...

Special attention is also called to the fact that under the opinion of the Attorney General and the rulings of several courts of the State, the taking of fish of all kinds is limited to the methods specifically permitted by the law. The use of all methods for taking fish not named in the several acts upon this subject are therefore forbidden.

CONSTRUCTION OF FISH LAW BY THE DEPARTMENT OF FISHERIES.

You cannot legally spear or gig a fish of any kind except carp, suckers, mullets and eels.

Or use artificial bait with more than three hooks.

Or bowline with more than three hooks, except in the Delaware river.

Or use a cast or throw net.

Or detached floats or floating trotters.

Or draw off the water from a dam to catch fish.

Or use explosives or poisons or lime for the purpose of killing fish.

Or outlines or set lines in the Delaware river.

Or obstruct the migration of fish.

Or use pound nets except in Lake Erie.

Or shoot fish with a gun, a bow and arrow or by any other means.

Or snare or loop fish.

Or use a stir net.

Or a trap net except in Lake Erie.

Or shingle a stream or use any method whereby migrating fish are prevented from following their regular course up stream.

The Department of Fisheries has ruled that three hooks fastened together after the manner of those attached to a trolling spoon, shall be considered one hook. This ruling is not based upon a court decision.

No fish in Pennsylvania waters can be legally taken by any method not specifically permitted.

SUMMARY OF FISH, TIME OF TAKING, MANNER OF TAKING AND NUMBER TO BE TAKEN IN ONE DAY, ETC.

All Unlimited in Number, Except Specified Trout, 50 of which May be Taken in One Day. Game fish may be taken only with rod, hook and line or hand line.		Season for Lawful Taking.
Rock Bass, White Bass, Strawberry or Grass Bass, Crappie, Black Bass, ...	Not less than 5 inches, ...	June 15 to February 15, inclusive.
Green or Oswego Bass, Blue Pike, Pike-Perch or Wall-eyed Pike, Susquehanna or Jack Salmon, Pike, Pickerel and Muscalogone, ...	Not less than 7 inches in State at large, 9 inches in Lake Erie and boundary waters.	
Pike-Perch or Wall-eyed Pike, Susquehanna or Jack Salmon, Pike, Pickerel and Muscalogone, ...	Not less than 9 inches, ...	
Pike-Perch or Wall-eyed Pike, Susquehanna or Jack Salmon, Pike, Pickerel and Muscalogone, ...	Muscalonge in Lake Erie 15 inches.	
Pike-Perch or Wall-eyed Pike, Susquehanna or Jack Salmon, Pike, Pickerel and Muscalogone, ...	Not less than 3 pounds in weight.	March 1 to August 15, inclusive.
Trout, any species save Lake Trout.	Not less than 6 inches, ...	April 15 to July 31, inclusive.
Lake or Salmon Trout, ...	Not less than 9 inches, ...	January 1 to September 1, inclusive.
Sunfish, ...	Unlimited, ...	June 15 to February 15, inclusive.
Striped Bass or Rockfish, ...	Not less than 9 inches, ...	January 1 to June 20, inclusive.
Shad, Herrings or Alewife or Sturgeon, ...	Unlimited, except by size of meshes of seines or nets.	ending Saturday at sunset and beginning after midnight on Sunday.

Young sturgeon not yet arrived at a spawn bearing stage, and then known as the mamoose, may not be killed at any time. Rock fish or striped bass may be caught at any time with rod, hook and line. The black bass, green or Oswego bass, crappie, grass or strawberry bass, white bass, rock bass, blue pike, pike-perch, Susquehanna salmon or wall eyed pike, pickerel, sunfish and muscalonge shall only be taken with rod, hook and line or hand line containing not more than three hooks, and the taking of any of these fish with a seine in a net or fish basket, or with a spear or gig, or

by drawing off the water, or by the use of poisons or explosives, or at any time other than that specified as the open season, renders the person taking them liable to a penalty for each fish so illegally taken or in default of the payment thereof, to an imprisonment of one day for each dollar of penalty imposed.

All appliances used in the illegal taking of fish, are upon conviction forfeited to the Fish Commission for the use of the Commonwealth.

The possession of fish or of illegal appliances for catching fish at or near a place where such appliances is prohibited is prima facie evidence of a violation of the law.

No seine shall be drawn within one-fourth of a mile of any dam across any river of this Commonwealth.

Catfish, carp, suckers and eels may now be taken in a fish basket with wing walls. All other fish taken by means of this device must be immediately returned unharmed to the waters whence they were taken. Act May 29, 1907, page

DIVISION III.

ACTS OF ASSEMBLY RELATING TO FORESTS AND FORESTRY.

AN ACT

1794. § Sm. To prevent the damages which may happen by
L. 139. firing of woods.

Whereas, It has been represented that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing ~~an~~ extended conflagration, injurious to the soil, destructive to the timber, and the infant improvements within the State; therefore,

Section 2. And be it further enacted by the authority aforesaid, That where any person or persons, so offending as thereby to occasion any loss, damage, or injury to any other person or persons, every such person or persons so offending, shall be and hereby are declared liable to make satisfaction for the same, in any action or actions on the case, to be brought by the party or parties grieved, in the court of common pleas of the county in which the offense was committed.

Section 3. And be it further enacted by the authority aforesaid, That where any party is injured, and shall not demand above fifty dollars for his loss or damage, it shall and may be lawful to and for such person or persons to apply to any justice of the peace of the county where the offense is committed, who is hereby empowered and required, by warrant under his hand and seal, to cause the party offending to be brought before him or some other justice of the peace of the same county, and if, upon examination, it shall appear to the justice, by the testimony of one or more credible witness or witnesses, that the defendant is guilty of the charge exhibited against him, then the said jus-

justice shall issue his warrant to two or more freeholders of the neighborhood, thereby commanding them, in the presence of the defendant, if he will be present, to view the place or thing damaged, or inquire into the loss sustained by the plaintiff, and to certify to the said justice, upon their oath or affirmation, what damage, in their judgment, the plaintiff hath sustained by occasion of the premises; and upon the return of such certificate to the said justice, he is hereby empowered to grant execution for the recovery of the said damages, together with the costs of prosecution, as is usual in the recovery of debts under ten pounds: Provided, That if any person or persons shall apprehend him, her, or themselves aggrieved by the determination of any justice of the peace, in consequence of this act, he, she, or they shall have a right to appeal from the judgment of the said justice to the next court of common pleas of the proper county.

Approved April 18, 1794.

AN ACT

To prevent the destruction of timber, etc.

1824, March
29. P. L. 152.

Section 3. And be it further enacted by the authority aforesaid, That in all cases where any person, after the said first day of September (1829), shall cut down or fell, or employ any person or persons to cut down or fell, any timber or tree or trees growing upon the land of another without the consent of the owner thereof, he, she or they, so offending, shall be liable to pay to such owner, double the value of such tree or trees, so cut down or felled: or in case of the conversion thereof to the use of such offender or offenders, treble the value thereof, to be recovered with costs of suit, by action of trespass or trover, as the case may be; and no prosecution by indictment shall be any bar to such action.

1890, P. L. 419. Title VIII. Offenses against real property, and malicious mischief.

Firing
woods.

Section 140. If any person shall wilfully set on fire, or cause to be set on fire, any woods, lands, or marshes within this Commonwealth, so as thereby to occasion loss, damage or injury to any other person, he or she shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding one hundred dollars, and to undergo an imprisonment not exceeding twelve months.

Cutting
down timber
trees.

Section 152. If any person shall cut down or fell any timber tree or trees, knowing the same to be growing or standing upon the lands of another person, without the consent of the owner, or if any person shall purchase or receive any timber tree or trees, knowing the same to have been cut or removed from the lands of another, without the consent of the owner thereof, or who shall purchase or receive any planks, boards, staves, shingles or other lumber made from such timber tree or trees, so as aforesaid cut or removed, knowing the same to have been so made, the person so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be sentenced to pay such fine, not exceeding one thousand dollars, or to such imprisonment, not exceeding one year, as the court in their discretion, may think proper to impose.

Com. v. Quiggle, 19 P. S. C., p. 243.

See also Wheeler v. Carpenter, 109 Pa., 271.

It is a question of fact for a jury whether defendant cut timber under a claim of right.

Section 153. If any person shall knowingly and maliciously cut, fell, alter or remove any certain bounded tree, or other allowed land mark, to the wrong of his neighbor, or any other person, he shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding one year.

Approved—March 31st, A. D. 1860.

WM. F. PACKER.

A division fence existing for more than twenty-one years cannot be removed by one adjoining owner without the consent of the other. Stoner v. Hunsicker, 47 Pa., 514.

AN ACT

To prevent the firing of mountain and other wild lands in the county of Union. 1869, P. L. 786.

Whereas, There being certain mountain and other wild lands in the county of Union which are fired from year to year, thereby destroying the younger timber and causing the land to be worthless for the purpose of timber; And whereas, Should such young timber not be destroyed it would add to the value of the land, in the course of twenty years, from fifty to one hundred dollars per acre, thus increasing the wealth of the county thousands of dollars, therefore

Section 1. Be it enacted, &c., That any person or persons who shall intentionally set fire said lands shall forfeit and pay a sum not exceeding five hundred dollars nor less than fifty dollars, or shall be confined in the county prison for a term not exceeding one year, nor less than thirty days, or both, at the discretion of the court, on conviction at any of the courts of this Commonwealth; one-half of said fine to be paid to the person or persons who make the information and the other half to be paid into the county treasury.

Approved the 9th day of April, A. D. 1869.

JOHN W. GEARY.

The act of June 2, 1870 (P. L. 316), extends the provisions of this act to the counties of Schuylkill, Lehigh, Berks, Lycoming, Centre, Snyder and Luzerne.

The act of May 19, 1871 (P. L. 950), exempts Lycoming county from the provisions of this act.

AN ACT

To prevent tenants in common of timber lands from cutting or removing trees without the consent of all of their co-tenants. 1869, P. L. 1251.

Section 1. Be it enacted, &c., That from and after this date it shall be unlawful for any owner or owners of any undivided interest in timber land within this Commonwealth, to cut or to remove, or to cause to be cut or removed, from the said land, any timber trees, without first obtaining the written consent of all co-tenants in said premises.

Tenants in common prohibited from cutting or removing timber without consent of co-tenant.

The penalty provided by Act of March 29, 1834 is not extended to a case of one co-tenant against another for unauthorized cutting and conversion. *Wheeler v. Carpenter*, 107 Pa., 271.

Sales of timber thus cut or removed not to pass title thereto. Remedies for recovery of timber and damages.

Section 2. That no sale of any timber, cut or removed from such undivided lands, before or without such consent, shall pass any title thereto; and the parties injured shall have every remedy in law and equity for the recovery of the said timber trees, and of all square timber, boards, lumber, ties, shingles and other articles, whatsoever manufactured therefrom; and also for the recovery of damages for the cutting or removing of the same, which they now have against an entire stranger to the title.

Bush v. Gamble, 127 Pa., 43.

Parties in interest authorized to sue out writs of estrepement.

Section 3. Upon the violation of the provisions of the first section of this act, it shall be lawful for any of the parties in interest to sue out a writ of estrepement, to prevent any further cutting thereon, or the removal of any timber then already cut, or both; which said writ shall be of force until the interests of the parties shall be set out in severalty, or the writs dissolved by the court, or the action or partition in reference to said land finally ended; and the said writ of estrepement shall be obtained by affidavit, and allowed in the same manner and with like proceedings as to its service and dissolution as are now by law allowed and authorized in cases of estrepement issued pending actions of ejectment for real estate.

Writs, how obtained.

Approved—May 4th, A. D. 1869.

JOHN W. GEARY.

AN ACT

1879, P. L. 162.

To prevent the burning of the woods in any of the counties of this Commonwealth.

Punishment for setting fire to wood-lands.

Section 1. Be it enacted, &c., That any person or persons who shall wantonly and wilfully kindle any fire on the lands of another, so as to set on fire any wood lands, barren or moors, within the limits of this Commonwealth, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars and undergo an imprisonment not exceeding twelve months, or either or both, at the

discretion of the court; and prosecutions for such offenses may be commenced at any time within two years from the commission thereof.

Section 2. Upon the conviction of any person or persons for any of the offenses aforesaid, the commissioners of the county in which such conviction is had, shall pay to the prosecutor in every such case the sum of fifty dollars out of the county treasury as a reward for the apprehension and conviction of the offender, and the defendant or defendants shall pay the same, with the costs as in other cases, into the hands of the sheriff for the use of the county, and nothing herein contained shall prevent the prosecutor from being a competent witness in the prosecution aforesaid.

Reward for apprehension and conviction of offenders.

Approved—The 11th day of June, A. D. 1879.

HENRY M. HOYT.

AN ACT

Requiring the several assessors of this Commonwealth to make return of timber lands.

1883, P. L. 112.

Section 1. Be it enacted, &c., That it shall be the duty of the several assessors of this Commonwealth, in their return of real estate to the commissioners of the proper county, at the next triennial assessment, and at each triennial assessment thereafter, to make return of all the timber land in their proper district by specifying in separate columns, how many acres each tract contains of cleared land, and how many in timber.

Timber lands to be separately assessed.

Approved—The 13th day of June, A. D. 1883.

ROBERT E. PATTISON.

AN ACT

1887, P. L. 287. For the encouragement of forest culture, and providing penalties for the injury and destruction of forests.

County commissioners authorized to encourage forest culture by payment of money to owners of land. Number of trees per acre to be planted.

Annual payments during first 10 years.

During second ten years.

During third 10 years.

Thinning out and reduction of number of trees.

Act not to apply to nurserymen.

Forest culture of land from which the marketable timber has been cleared.

Section 1. Be it enacted, &c., That in consideration of the public benefit to be derived from the planting and cultivation of forest or timber trees, the owner or owners of any land in this Commonwealth planted with forest or timber trees in number not less than twelve hundred to the acre, shall on making due proof thereof, be entitled to receive annually from the commissioners of their respective counties, during the period that the said trees are maintained in sound condition upon the said land, the following sums of money:

For a period of ten years after the land has been so planted a sum equal to ninety per centum of the taxes annually assessed and paid upon the said land, or so much of the ninety per centum as shall not exceed the sum of forty-five cents per acre.

For a second period of ten years, a sum equal to eighty per centum of the said taxes, or so much of the eighty per centum as shall not exceed the sum of forty cents per acre.

For a third and final period of ten years, a sum equal to fifty per centum of the said taxes, or so much of the said fifty per centum as shall not exceed the sum of twenty-five cents per acre.

Provided, That it shall be lawful for the owner or owners of the said land, after the same has been so planted for at least ten years, to thin out and reduce the number of trees growing thereon to not less than six hundred to the acre, so long as no portion of the said land shall be absolutely cleared of the said trees;

And provided also, That the benefits of this act shall not be extended to nurserymen or others growing trees for sale for future planting.

*Section 2. The owner or owners of forest or timber land in this Commonwealth, which has been cleared of merchantable timber, who shall at any period after the said land has been so cleared, and who shall maintain upon the said land young forest or timber trees in sound condition, in number at

*Act of March 22, 1901, amended this section as it appears here. P. L., 52.

least twelve hundred to the acre, shall, on making due proof, thereof, be entitled to receive annually from the commissioners of their respective counties the sum of money mentioned in the first section of this act: Provided, That the first period of ten years shall be counted from the time that the said land has been cleared of merchantable timber, and, that after the said first period of ten years, the number of trees upon the said land may be reduced as in the first section is provided.

NOTE.—It is probable that sections 1 and 2 of this act are unconstitutional. See *Tubbs vs. Tloga Co.*, 32 C. C., 504, wherein the act of April 8, 1905, P. L. 118, a rebate act, was declared unconstitutional. By parity of reasoning, the act of April 20, 1905, P. L. 246, a rebate act applying to sprout lands, would be also unconstitutional. For this reason the above two acts of 1905 are omitted from this compilation.

Section 3. Any person or persons who shall wilfully or carelessly cut bark from, or otherwise cut, burn or injure any tree, plant, shrub or sprout planted, growing or being on any land in this Commonwealth, without the consent of the owner or owners thereof first had, obtained, or who without such consent, shall kindle, or cause to be kindled, a fire on any forest or timber land in this Commonwealth, or who shall carry into or over any forest or timber land any lighted candle, lamp or torch, or other fire, without having the same secured in a lantern or other closed vessel, or who shall discharge or set off fire works of any kind on said land or among the trees thereon, or who shall wilfully or carelessly burn or fire upon his or their own land, or that of others, any tree, brush, stubble or other combustible material whereby fire shall be communicated to the leaves, brush or timber upon any forest or timber lands belonging to other parties, shall be subject to a penalty *not exceeding one hundred dollars for each offense committed, with costs of suit: Provided, That if the defendant or defendants neglect or refuse to pay at once the penalty imposed and costs, or shall not enter sufficient bail for the payment of the same within ten days, he or they shall be committed to the common jail of said county for a period of not less than one day for each dollar of the penalty imposed: And provided, When the penalty imposed is above five dollars, the defendant

Number of trees per acre to be maintained.

Amount to be paid therefor.

Reduction in number of trees.

Penalty for cutting, burning or injuring trees, shrubs, etc.

For firing timber lands.

Application of penalty.

Party refusing to pay penalty to be imprisoned or give security for appearance at court.

*Act of May 14, 1891, amends by providing this penalty of \$100 instead of \$50. P. L. 60.

Punishment
on conviction
by the
court.

or defendants may enter into a recognizance, with good security, to answer said complaint on a charge of misdemeanor, before the court of quarter sessions of the peace of the county in which the offense is committed, which court, on conviction of the defendant or defendants of the offense so charged and failure to pay the penalty imposed by this act, with costs, shall commit said defendant or defendants to the common jail of the county for a period of not less than one day for each dollar of penalty imposed.†

Jurisdiction
of justices
of the peace.

Section 4. Any justice of the peace or alderman, upon information or complaint made before him by the affidavit of one or more persons of the violation of this act, by any person or persons shall issue his warrant to any constable or police officer to cause such person or persons to be arrested and brought before the said justice of the peace or alderman, who shall hear and determine the guilt or innocence of the person or persons so charged, who, if convicted of the said offense, shall be sentenced to pay the penalty aforesaid.

Publication
of this act
to be made
by county
commissioners.

Section 5. The commissioners of each county shall, within one month after the passage of this act, cause the same to be published one or more times, in one newspaper of general circulation in their respective counties.

Approved—The 1st day of June, A. D. 1887.

JAMES A. BEAVER.

AN ACT

1891, P. L.
176.

Providing for the recovery of damage to trees along the public highways, by telegraph, telephone and electric light companies.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful, whenever any telegraph, telephone or electric light company shall have erected its poles and lines along any turnpike, public road, street, lane, alley or highway in this Commonwealth, for the owner or owners of land adjoining said turnpike or public

†An accumulation of rubbish along the right of way of a railroad may be the basis of an action for recovery of damages for destruction of woodlands. *Stephenson v. Railroad*, 20 P. S. C., 157.

road, who may claim to be damaged by the erection or maintenance of said lines by reason of the cutting of trees, whether planted in the said turnpike, public road, street, lane, alley or highway, or on enclosed or unenclosed land adjoining the same, to petition the court of common pleas of the county in which said damage shall be alleged to have been committed, whereupon the said court shall appoint three impartial men, citizens of the county in which said damages shall be alleged, as viewers, who shall, after having been duly sworn or affirmed to the faithful performance of their duties, assess the damages done, if any, to the petitioner, and shall report the same to the court, at the first week of the next regular term thereof after the said appointment, which report shall, upon its presentation as aforesaid, be confirmed nisi; and if no appeal be entered to the same on or before ten days from the Saturday of the week in which the same is presented, it shall then be confirmed absolutely and judgment entered by the prothonotary of the said court upon the same against the said company.

Owner damaged may petition the court.

Court shall appoint three viewers.

Viewers report.

When confirmation shall become absolute.

Section 2. The compensation of the viewers provided for by the first section of this act shall be the same as is now provided for road viewers, and shall be paid by the defendant company, where damages are awarded, otherwise by the petitioner: Provided, That the provisions of this act shall not apply to the police patrol or fire department telegraph lines.

Shall not apply to police or fire department telegraph lines.

Section 3. All laws in so far as they conflict with this act are hereby repealed.

Approved—The 2d day of June, A. D. 1891.

ROBERT E. PATTISON.

Reese v. Ry. Co., C. P. 2, J., 1902, 4127, Phila. Co. Garber v. Columbia Tel Co., C. P. Lanc. Co. Verdict for Plff., Dec. 3, 1902, for topping 103 locust trees.

The wrongful cutting of ornamental trees is indictable under Act of June 8, 1881, P. L. 82, which is not repealed by this Act. Comth, v. Clark, 3 Pa. Sup. Ct., p. 141.

AN ACT

1897, P. L. 9.

Authorizing the purchase by the Commonwealth of unseated lands for the non-payment of taxes for the purpose of creating a State Forest Reservation.

When act shall go into effect.

Duties of county treasurers and commissioners. Public notice to be given in two newspapers. Contents of notice.

Notices to be sent to Commissioner of Forestry.

Duty of Commissioner of Forestry.

May purchase lands for Commonwealth. Proviso.

Section 1. Be it enacted, &c., That from and after the first day of January, A. D. one thousand eight hundred and ninety-eight, whenever any unseated lands within this Commonwealth shall, under existing laws, become liable to sale by the respective county treasurers or the county commissioners for non-payment of taxes, it shall be the duty of such treasurers and commissioners to publish a notice once a week for six successive weeks in at least two newspapers of general circulation within the county in which the said lands lie, and if two newspapers be not published in said county, then in one newspaper in or nearest to the same, which notice shall contain the names of the owners when known, the warrant numbers, names of warrantees when known, the number of acres contained in each tract, the township in which the same is located, and the sums due upon each tract for taxes and further to mail to the Secretary of Agriculture and the Commissioner of Forestry each, ten copies of such printed advertisement immediately upon the publication thereof.

Section 2. It shall be the duty of the Commissioner of Forestry to inquire into and examine the location and character of unseated lands advertised by the respective county treasurers and the county commissioners of this Commonwealth for sale for the non-payment of taxes, and if in his judgment the same are so located and are of such a character as to make them desirable for the Commonwealth for the purpose of creating and maintaining a Forestry Reservation, he shall have power, at his discretion, to purchase any such lands for and in behalf of the Commonwealth at such tax sales, subject to the right of redemption under existing laws: Provided however, That the bid made and the price paid for said lands, shall in no case exceed the amount of taxes for the non-payment of which the same are being sold, and the costs. For all purchases so made in behalf of the Commonwealth, the Auditor General shall

draw his warrant upon the State Treasurer to the order of the county treasurer, upon certificate filed by the Commissioner of Forestry with the said Auditor General: Provided further, That the Commissioner of Forestry shall have power to purchase unseated lands other than such as are advertised for sale for the non-payment of taxes, upon such terms and conditions as may be agreed upon with the owners of such lands: Provided, That such purchase shall be approved by the Governor and the Board of Property, consisting of the Attorney General, Secretary of the Commonwealth and Secretary of Internal Affairs. And provided further, That in no case shall the price paid for such unseated land exceed the assessed value of the same. For all purchases so made in behalf of the Commonwealth the Auditor General shall draw his warrant upon the State Treasurer to the order of the grantor, upon certificate filed by the Commissioner of Forestry, with approval as aforesaid: Provided, That in no case shall the amount paid for any tract of land purchased under the provisions of this act exceed the sum of five dollars per acre.*

How payment shall be made.

Section 3. In the event of redemption of said lands, the redemption money paid shall be remitted to the State Treasurer by the county treasurer, with a statement describing the tract of land so redeemed.

Redemption of land.

Section 4. The title to all lands so purchased, and not redeemed after the expiration of the time limited for the redemption, shall be taken as vested in the Commonwealth to the same extent, and with like effect as though such purchase had been made by an individual at such sale, and the county treasurer shall certify to the *Secretary of Agriculture*. [Commissioner of Forestry] lists of all lands purchased in behalf of the Commonwealth and not redeemed within the time limited for such redemption, with a description of each tract as required by section one of this act, and thereafter such lands shall not be subject to further taxation while the same are owned by the Commonwealth. It shall be the duty of the *Secretary of Agriculture* [Commissioner of Forestry] to keep a record in a book, to be especially provided for that purpose, of all the lands so acquired by the Commonwealth, with full description of each tract, the character of the same, the date of purchase, the price paid,

Title shall be vested in Commonwealth.

County treasurers shall certify to Commissioner of Forestry lists of lands not redeemed.

Such lands not subject to further taxation.

Record of lands to be kept.

*Sec. 2, as amended by Act of April 28, 1899, P. L. 98.

Contents of record.	when the title became absolute, or if redeemed, the date of redemption.
Lands shall be under control of Department of Forestry.	Section 5. The lands so acquired by the Commonwealth shall be under the control and management of the <i>Department of Agriculture, but assigned to the care of the Division of Forestry</i> , [Department of Forestry] and shall become part of a forestry reservation system, having in view the preservation of the water supply at the sources of the rivers of the State, for the protection of the people of the Commonwealth and their property from destructive floods.
Purpose.	Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.
Repeal.	Approved—The 30th day of March, A. D. 1897. DANIEL H. HASTINGS.

(The above Act, by reason of the abolishment of the Division of Forestry in the Department of Agriculture, and the creation of the Department of Forestry by Act of 25th February, 1901, has been changed in its application. Parts no longer operative shown in italics.)

AN ACT

1897, P. L. 29.	To authorize constables and other peace officers, without first procuring a warrant, to arrest persons reasonably suspected by them of offending against the laws protecting timber lands.
Duty of constables.	Section 1. Be it enacted, &c., That if any person or persons shall be detected by any constable or other peace officer, in the act of trespassing upon any forest or timber land within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit, some offence or offences against any of the laws now enacted or hereafter to be enacted for the protection of forests and timber land, such constable or other peace officer shall have authority at once, without first procuring a warrant therefor, to arrest on view such person or persons, with like effect as though such warrant had first been procured.
May arrest without warrant.	Section 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.
Repeal.	Approved—The 29th day of April, A. D. 1897. DANIEL H. HASTINGS.

AN ACT

To amend the first section of an act, entitled "An act to protect timber lands from fire," approved the second day of June, A. D. 1870, providing for a penalty in case of the failure of county commissioners to comply with the terms of said act, after demand made upon them by the Commissioner of Forestry, and providing for the Commonwealth bearing part of the expenses incurred under said act.

1897, P. L.
295.

Section 1. Be it enacted, &c., That the first section of the act, entitled "An act to protect timber lands from fire," approved the 2d day of June, A. D. 1870, which reads as follows:

"Section 1. That it shall be the duty of the commissioners of the several counties of this Commonwealth to appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons who either wilfully or otherwise cause the burning of timber lands, and to take measures to have such fires extinguished where it can be done the expenses thereof to be paid out of the county treasury, the unseated land tax to be the first applied to such expenses," shall be and the same is hereby amended to read as follows:

Section 1.
act of June
2, 1870, cited
for amend-
ment.

Section 1. That it shall be the duty of the commissioners of the several counties of this Commonwealth to appoint persons, under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timber lands within their respective counties, and to take measures to have such fires extinguished where it can be done; and on failure of the commissioners of any county, after demand made upon them by the Commissioner of Forestry of this Commonwealth, to comply with this provision, they shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or suffer an imprisonment not exceeding two years or both, at the discretion of the court. The expense incurred in the employment of the persons contemplated by this act, on and after the first day of January, A. D. 1898, shall be paid, one-half out of the treasury of the respective county, and the remaining half of said expense

County commis-
sioners
shall appoint
persons to
institute
proceedings
and extin-
guish fires.

Commission-
ers failing
to comply
shall be
guilty of a
misde-
meanor.
Penalty.

How expen-
ses after
January 1,
1898, shall
be paid.

Itemized
statement
shall be
furnished
Auditor
General.

shall be paid by the State Treasurer upon warrant from the Auditor General; but no such warrant shall be drawn until the commissioners of the proper county shall have first furnished, under oath or affirmation, to the Auditor General, a written itemized statement of such expense, and until the same is approved by the Auditor General: Provided, That in no case shall the expense to the Commonwealth growing out of this act exceed five hundred dollars for a single county in any one year.

Approved—The 15th day of July, A. D. 1897.

DANIEL H. HASTINGS.

Act construed, A. G. O., 9 D. R., 537. See also A. G. O., 4 D. R., 670.

AN ACT

1901. P. L.
11.

To establish a Department of Forestry, to provide for its proper administration, to regulate the acquisition of land for the Commonwealth and to provide for the control, protection and maintenance of Forestry Reservations by the Department of Forestry.

Department
of Forestry
established.

How con-
stituted.
Appointed
by the Gov-
ernor.

Members to
be sworn.

Powers of
the commis-
sion.

Section 1. Be it enacted, &c., That there be and is hereby established a Department of Forestry, to consist of the Commissioner of Forestry and four other citizens of the Commonwealth, who together shall constitute the State Forestry Reservation Commission; each of whom shall be appointed and commissioned by the Governor, by and with the advice and consent of the Senate; the Commissioner of Forestry for a term of four years, two of the said citizens for a term of two years, and two of said citizens for a term of four years; and thereafter all appointments shall be made by the Governor, by and with the advice and consent of the Senate, for a term of four years. The persons so appointed, before entering upon the discharge of their duties shall each take and subscribe to the oath of office prescribed by article seven of the Constitution of Pennsylvania. The Commissioner of Forestry and the Forestry Reservation Commission, so appointed, shall be clothed with all the powers heretofore conferred by law respectively upon the Commissioner of Forestry and the Forestry Reservation Commission, so far as the same are consistent with the provisions of this act, and

in addition shall have full power, by and with the consent of the Governor, to purchase any suitable lands in any county of the Commonwealth that in the judgment of said Commission the State should possess for forest preservation: Provided, That in no case shall the amount paid for any tract of land, purchased under the provisions of this act, exceed the sum of five dollars per acre. Said commission shall also have full power to manage and control all the lands which it may purchase under the provisions of this act, as well as those that have heretofore been purchased and which are now owned by the State under existing laws.* Said Commission is also empowered to establish such rules and regulations with reference to control, management and protection of forestry reservations, and all lands that may be acquired under the provisions of this act, as in its judgment will conserve the interests of the Commonwealth, and wherever it shall appear that the welfare of the Commonwealth, with reference to reforestation and the betterment of State Reservations, will be advanced by selling or disposing of any of the timber on forestry lands,† the Commission is hereby empowered to sell such timber on terms most advantageous to the State; and said Commission is hereby empowered to make and execute contracts or leases, in the name of the Commonwealth, for the mining or removal of any valuable minerals that may be found in said forestry reservations, whenever it shall appear to the satisfaction of the Commission that it would be for the best interests of the State to make such disposition of said minerals; and provided, that such contracts or leases shall also be approved by the Governor of the Commonwealth after the proposed said contracts or leases shall have been duly advertised in at least three newspapers published nearest the reservation designated, for one month, in advance of said contract or lease, and the contracts or leases shall be awarded to the highest bidder and he or they shall have given such bond as the Commission shall designate for the performance of his or their part

Purchase of land.

Proviso.

Control of lands.

May sell timber or lease mineral rights.

Proviso.

Publication in newspapers.

*For legislative intention and construction of this Act, see § D. R. 95.

†The privilege of using the waters on the forest reserves may be granted for private purposes. This power is fairly implied from the provisions of the Act. A. G. O., 10 D. R., 576; but see contra. A. G. O., 13 D. R., 331.

Proviso.	of the contract, and the said bond shall have been approved by the court of the county wherein the contracts or leases are made: Provided, however, that when, by virtue of leases or contracts for removal of minerals and sale of timber from any lands purchased by the State for Forestry Reservations, there comes a net revenue to the State, one-half of said net revenue derived from lands situate in any township shall be paid by the State Treasurer to the treasurer of such township, for application to township purposes and reduction of local tax levies in such township: Provided, That there shall not be paid to any one township, during any year, more than twice the amount of taxes that would be received by such township from said lands if they were owned by individuals.†
One-half net revenue to be paid to township.	
Proviso.	
Kindling of fires made a misdemeanor.	Section 2. Any person or persons who shall kindle fires upon any of the forestry reservations of this Commonwealth, except in accordance with such rules and regulations as may be prescribed by the Forestry Reservation Commission, or who shall cut or remove any timber whatever, or who shall do or cause to be done any act that will damage forest lands or timber belonging to this Commonwealth, shall be guilty of a misdemeanor, and upon conviction thereof be subject to a penalty of not less than one hundred dollars nor more than five hundred dollars for each offense committed, with costs of suit, which penalty and costs of suit shall be collected in the same manner as is now provided by existing laws for like offenses committed on forest lands belonging to individuals; all fines and penalties when collected to be paid to the Commissioner of Forestry, who is hereby directed to pay the same over to the State Treasury; provided, that if the defendant or defendants neglect or refuse to pay at once the penalty and costs imposed, he or they shall be committed to the common jail of the county wherein the offense was committed until such penalty and costs are paid.
Penalty.	
Disposition of fines and penalties.	
Proviso.	

For construction of this section see *Com. v. LaBar*, 32 Sup. Ct., 228, holding that a Justice of the Peace has hereunder no power of summary conviction. Also defines the legal meaning of "timber."

†"Ganister rock" is a "valuable mineral" within the meaning of this section and can only be disposed of after compliance with the terms of the Act, A. G. O., 12 D. R., 420.

Section 3. That the Commissioner of Forestry shall be the president and executive officer of the Forestry Reservation Commission, and also Superintendent of the State Forestry Reservations, and shall have immediate control and management, under the direction of the Forestry Reservation Commission, of all forest lands already acquired or which may hereafter be acquired by the Commonwealth, but the power so conferred upon said Commissioner of Forestry shall not extend to the enforcement of the laws relating to public health or the protection of fish and game. It shall be the duty of the Commissioner of Forestry to encourage and promote the development of forestry, and to obtain and publish information respecting the extent and condition of forest lands in the State, and to execute all rules and regulations adopted by the Forestry Reservation Commission for the enforcement of all laws designated for the protection of forests from fire and depredation; and he is hereby empowered to employ such detective service, and such legal or other services as may be necessary for the protection of the forestry reservations owned by the Commonwealth and for the apprehension and punishment of persons who may violate any of the forestry reservation laws or any of the rules and regulations, which, under the powers herein given, may be adopted by the Forestry Reservation Commission: Provided, That the services so employed and the expenses that may thereby be incurred shall be approved by said Forestry Reservation Commission and the Governor of the Commonwealth.

Section 4. The Commissioner of Forestry shall receive a salary of three thousand dollars per annum, and in addition thereto shall be reimbursed for all necessary expenses of travel which may be incurred in the discharge of the duties of his office; and the other members of the Forestry Reservation Commission shall serve without salary, but shall be reimbursed for all necessary expenses incurred by them in the performance of the duties of their office.

Section 5. The Commissioner of Forestry shall have an office at the State Capitol, and it shall be the duty of the Board of Commissioners of Public Grounds and Buildings to provide, from time to time, the necessary rooms, furniture, apparatus

Commissioner of Forestry to be President of Commission, etc.

Duties of Commissioner.

May employ detectives.

Proviso.

Salary of the commissioner.

Traveling expenses of. Expenses of other members.

Office to be provided and furnished.

Transfer of unexpended appropriations.	and supplies for the use of the Department of Forestry created under the provisions of this act.
Clerk of Commissioner.	Section 6. All moneys appropriated by the General Assembly in the general appropriation act of 1899 for the Division of Forestry of the State Department of Agriculture, as for salaries or contingent fund, which may remain unexpended at the time of the approval of this act, shall be transferred to and be vested in the Department of Forestry, hereby created; and the clerk of the Commissioner of Forestry, hitherto appointed under the law creating the Department of Agriculture, shall be transferred from the Department of Agriculture to the Department of Forestry, on the same salary that he now receives.
Salary of.	Section 7. The purchase money for lands acquired and all expenses that may be incurred, except the salaries of the Commissioner of Forestry and his clerk, shall be paid by the State Treasurer out of any moneys in the Treasury not otherwise appropriated, on warrant of the Auditor General, upon vouchers duly approved by resolution of the Forestry Reservation Commission and the Governor of the Commonwealth.
Purchase money for lands; how to be paid.	Section 8. The title of all lands acquired by the Commonwealth for forestry reservations shall be taken in the name of the Commonwealth and shall be held by the Commissioner of Forestry, and such lands shall not be subject to warrant, survey or patent, under the laws of the Commonwealth authorizing the conveyance of vacant or unappropriated lands, and all such forestry reservation lands shall be exempt from taxation from the time of their acquisition. In all cases where lands have been purchased, or may hereafter be purchased by the Forestry Reservation Commission for forest reservations, where there are public roads, regularly established, running into or through said lands, the Commissioner of Forestry, under such rules and regulations as the Forestry Reservation Commission is hereby authorized to adopt, may expend a sum not exceeding twenty-five dollars per mile in each year for the maintenance, repair or extension of any such roads, and on roads bordering on reservations one-half of this rate per mile may be expended. All expenses that may thus be incurred shall be subject to the approval of the Forestry Reservation Commission and the Governor of the Commonwealth, and shall be paid in
Title of lands acquired to be in Commonwealth.	
Lands not to be subject to warrant, survey and patent, and to be exempt from taxation.	
May expend money for public roads.	
Expenses subject to approval.	

the same manner as other expenses are provided for in this act.

Since the passage of the Act of April 5, 1905, P. L. 111, making a fixed charge of 2 cents per acre for road purposes against State lands held for forest reserves, the above privilege under sec. 8 has not been exercised by this Commission.

Tax exemption removed by Act of 1905.

Section 9. The Commissioner of Forestry shall receive the moneys to which the State may be entitled by virtue of the sale of any timber, or by virtue of any leases or contracts relating to the disposition of minerals, as hereinbefore provided, and he shall immediately pay the same over to the State Treasurer as a part of the revenue of the Commonwealth. The said Commissioner of Forestry shall give his bond to the Commonwealth, with two sureties, to be approved by the Governor, in the sum of ten thousand dollars, for the faithful discharge of the duties imposed by this act and for the proper accounting of any moneys to the Commonwealth that may come into his hands by virtue of his position as Commissioner of Forestry.

Disposition of moneys received.

Commissioner of Forestry shall give bond of \$10,000.

Section 10. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal.

Approved—The 25th day of February, A. D. 1901.

WILLIAM A. STONE.

AN ACT

For the better protection of timber lands against fire, and providing for the expenses of the same, and directing what shall be done with the fines collected and costs paid.

1901, P. L. 119.

Section 1. Be it enacted, &c., That when the commissioners of any county or counties fail to "appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons or corporations who either wilfully or otherwise cause the burning of timber lands," within their respective counties, as is provided for by the act of July 15th, 1897, or when they have appointed inefficient persons to do the work aforesaid; the Commissioner of Forestry may, on the request of residents of a county in which such fires have been created, or on the request of the owner or owners

When the Commissioner of Forestry may appoint detectives and employ attorneys.

of land which has been injured by the fires so created, appoint a detective or detectives, and employ an attorney or attorneys, to ferret out and bring to punishment, as aforesaid, those who cause the burning of timber lands; and all expenses incurred by the Commissioner of Forestry under the operation of this act shall be paid by the State Treasurer, on warrant drawn by the Auditor General, if the said bills shall be approved by the Governor and the Commissioner of Forestry; and all the fines collected shall be paid by the magistrate or by order of the court to the Commissioner of Forestry, and be paid by him to the Treasurer of the Commonwealth.

Expenses incurred.

Fines collected.

When payment to county commissioners may be refused.

Section 2. When conviction is obtained, under the provisions of this act, of persons or corporations causing the burning of timber lands, then the Auditor General, on the request of the Commissioner of Forestry, may refuse to pay the State's share of the money due to the county for the services of the person or persons, appointed by the county commissioners, to ferret out and bring to punishment those who caused forest fires in the districts where such persons served as fire detectives, to make arrests and secure convictions, and for which conviction was obtained by the detectives appointed by the Commissioner of Forestry.

Approved—The 2d day of May, A. D. 1901.

WILLIAM A. STONE.

AN ACT

1901, P. L. 569.

Authorizing boroughs of this Commonwealth to require the planting of shade-trees along the public streets thereof, by the owners of abutting property, in certain cases.

Boroughs may require the planting of shade trees by abutting owners.

Section 1. Be it enacted, &c., That the burgess and council of any borough of this Commonwealth, upon the petition of a majority of the property owners upon any public street thereof, may by ordinance require the planting and replanting of suitable shade-trees along and upon either side of any such street, upon such alignment and at such points as may by such ordinance be designated, by the owner or owners of property abutting the street at the points designated; and on failure of any such

owner or owners after reasonable notice, to comply with the terms of any such ordinances, the said authorities may cause such trees to be planted or replanted at the expense of the borough; and thereupon, in the name of the borough, collect such expense from the owner or owners in default, as debts of like amount are by law collectible: Provided, That the said authorities shall not require the planting or replanting of trees at any point or points which may interfere with the necessary or reasonable use of any street or abutting property, or interfere unreasonably with any business thereon conducted.

Approved—The 17th day of June, A. D. 1901.

WILLIAM A. STONE.

AN ACT

To encourage the planting of trees along the roadsides of this Commonwealth, and providing a penalty for killing, removing or injuring the same; what disposition is to be made of moneys collected as penalties, and for keeping a record by the supervisor of roads or boards of supervisors of roads of the trees so planted and upon which a tax abatement has been granted.

1901, P. L.
610.

Section 1. Be it enacted, &c., That any person liable to road tax, who shall transplant to the side of the public highway on his own premises any fruit, shade or forest trees, of suitable size, shall be allowed by the supervisors of roads or boards of supervisors of roads, where roads run through or adjoin cultivated fields, in abatement of his road tax, one dollar for every two trees set out; but no row of elms shall be placed nearer than seventy feet; no row of maples or other forest trees nearer than fifty feet, except locust and Carolina poplar, which may be set thirty feet apart, and except fruit trees, which may be set forty feet apart; and no allowance as before mentioned shall be made unless such trees shall have been set out the year previous to the demand for such abatement of tax, and are living and well protected from domestic animals at the time of such demand.

Planting
trees along
roadside.

Abatement
of road tax.

Distances.

Section 2. Any fruit, shade or forest trees growing naturally by the side of the public highway, where said public highway runs through cultivated

Trees grow-
ing natur-
ally.

lands, shall be allowed for in the same manner and on the same conditions as in the preceding section.

Section 3. Any trees transplanted by the side of the public highway, as aforesaid, in the place of trees that have died, shall be allowed for in the same manner and on the same conditions as in the first section of this act.

Limit of
abatement.

Section 4. No person shall be allowed an abatement, as aforesaid, of more than one-quarter of his said annual road tax.

Negligence,
etc.

Section 5. Any person who shall cut down, kill or injure any living tree, planted or growing naturally as aforesaid, or who negligently or carelessly suffers a horse or other domestic animal, driven by or for him to injure any trees hereinbefore mentioned, upon conviction thereof shall be subject to a penalty of not less than one dollar, nor more than five dollars, with costs of suit, for each and every tree so cut down, killed, removed or injured: Provided, That if the defendant or defendants neglect or refuse to pay at once the penalty so imposed and costs, or shall not enter sufficient bail for the payment of the same within ten days, he or they shall be committed to the common jail of the county in which the offense was committed, for a period of not less than one day for each dollar of penalty imposed and costs: Provided, however, That the owner of the land upon which the trees are growing and upon which said abatement has been granted, may remove such trees, on condition that he will immediately plant and maintain another tree or trees, in the place or places of those removed by him or refund to township said abatement, originally allowed for said tree or trees.

Proviso.

Fine.

Penalty.

Proviso.

Disposition
of fines.

Section 6. All moneys collected as a penalty in accordance with section five of this act, shall be paid to the supervisors of roads or boards of supervisors of roads, and form part of the road fund of township in which the offense was committed.

Record to be
kept.

Section 7. It shall be the duty of the supervisor of roads or the boards of supervisors of roads to keep a permanent record, in a book especially prepared for that purpose, and which book shall be the property of the township, of all trees upon which the said abatement, as hereinbefore mentioned, has been granted; and when any tree or trees have been removed, with or without the consent of the supervisors of roads or boards of supervisors of

roads, the date thereof shall be distinctly entered in the said book.

Section 8. The act approved the second day of May, A. D. 1879, entitled "An act to encourage the planting of trees along the roadsides in this Commonwealth," is hereby repealed. **Repeal.**

Approved—The 2d day of July, A. D. 1901.

WILLIAM A. STONE.

AN ACT

Conferring upon persons employed, under existing laws, by the Commissioner of Forestry, for the protection of State Forestry Reservations, after taking the proper oath of office, the same powers as are by law conferred upon constables and other peace officers; to arrest, without first procuring a warrant, persons reasonably suspected by them of offending against the laws protecting timber lands; also conferring upon them similar powers for the enforcement of the laws and rules and regulations for the protection of the State Forestry Reservations, and for the protection of the game and fish contained therein; and further, conferring upon them power to convey said offenders into the proper legal custody, for punishment; this act to apply only to offenses committed upon said reservations and lands adjacent thereto.

1908, P. L.
24.

Section 1. Be it enacted, &c., That the persons employed, under existing laws, by the Commissioner of Forestry, for the protection of State Forestry Reservations, shall, after taking the proper official oath before the clerk of the court of quarter sessions of any county of the Commonwealth, be vested with the same powers as are by existing laws conferred upon constables and other peace officers; to arrest on view, without first procuring a warrant therefor, persons detected by them in the act of trespassing upon any forest or timber land within this Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing, or are about to commit, some offense or offenses against any of the laws now enacted or hereafter to be enacted for the protection of forests and timber lands. Such officers shall likewise be

Employees of
Commissioner of Forestry.

Powers
vested in.

Forest and
timber land.

State Forestry Reservations.

vested with similar powers of arrest, in the case of offenses against the laws or the rules and regulations enacted or to be enacted for the protection of the State Forestry Reservations,* or for the protection of the fish and game contained therein:

Provido.

Provided, That the above mentioned rules and regulations shall have been previously conspicuously posted upon the reservation. Said officers shall further be empowered, and it shall be their duty immediately upon any such arrest, to take and convey the offender or offenders before a justice of the peace or other magistrate having jurisdiction, for hearing and trial, or other due process of law:

**Provido.
Limitation.**

Provided, further, That this act shall extend only to the case of offenses committed upon said Forestry Reservations and lands adjacent thereto; and the powers herein conferred upon said officers shall not be exercised beyond the limits thereof, except where necessary for the purpose of pursuing and arresting such offenders, or of conveying them into the proper legal custody, for punishment, as aforesaid.

Repeal.

Section 2. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved—The 11th day of March, A. D. 1903.

SAML. W. PENNYPACKER.

*A forest officer is not liable to indictment and punishment under the Act of April 24, 1903, P. L. 296, for killing a dog, when done in the course of duty and upon probable cause.
Com. v. Frederick, 27 Pa. Sup. Ct., 228.

AN ACT

To empower the Commissioner of Forestry and the Forestry Reservation Commission to give street railway companies the privilege to construct, maintain and operate their lines of railway over, along and upon public highways within or bordering on forest reservations owned by the Commonwealth.

1903, P. L.
300.

Section 1. Be it enacted, &c., That the Commissioner of Forestry and the Forestry Reservation Commission are hereby authorized and empowered to give to street railway companies, duly incorporated under the laws of this Commonwealth, upon such terms and subject to such restrictions and regulations as said Commissioner and Commission may deem proper, the privilege to construct, maintain and operate their lines of railway over, along and upon public highways, now laid out and in actual use, which lie within or border on any forest reservations now owned or hereafter to be acquired by the Commonwealth, whenever in the judgment of the said Commissioner and Commission the interests of the Commonwealth in the said reservations shall be benefited thereby.

Commissioner of Forestry and the Forestry Reservation Commission empowered to give certain privileges to street railway companies.

Highways bordering on or within forest reservations.

Approved—The 15th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

To limit the amount of money expended each year by the State Forestry Reservation Commission in the purchase of lands for the Commonwealth.

1903, P. L.
201.

Section 1. Be it enacted, &c., That from and after the passage of this act, the amount of money expended by the State Forestry Reservation Commission for the purchase of lands in any one fiscal year, shall not exceed the sum of three hundred thousand dollars: Provided, That contracts heretofore made for the purchase of land by the State Forestry Reservation Commission shall not be affected by this act. All proceeds derived from the lands purchased by the said Commission shall be paid into the State Treasury, and shall be held as

Forestry Reservation Commission. Limiting amount of money to be expended by annually.

- Special fund.** a special fund, and shall be paid by the State Treasurer to the said Commission, from time to time, upon warrants drawn by the Commissioner of Forestry and countersigned by the Auditor General, for the purpose of assisting in defraying the necessary expenses of protecting and improving the said lands, or for the purchase of additional land.
- Expenditure of.**
- Repeal.** Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.
- Approved—The 15th day of April, A. D. 1903.
SAML. W. PENNYPACKER.

AN ACT

Directing the Commissioner of Forestry to erect buildings on the Mont Alto Reservation or to purchase land and buildings adjacent to the said reservation, wherein to provide instruction in forestry, to prepare forest wardens for the proper care of the State Forestry Reservation lands, and making an appropriation therefor.

1903. P. L.
373.

Appropriation.

Section 1. Be it enacted, &c., That the Commissioner of Forestry is hereby directed, under the advice of the State Forestry Reservation Commission, to purchase suitable buildings and land adjacent to the Mont Alto State Forestry Reservation or to erect buildings on said Reservation, at a cost not to exceed six thousand dollars, and to establish and provide therein and on said Reservation practical instruction in forestry, to prepare forest wardens for the proper care of the State Forestry Reservation lands; the said instruction not to cost a sum exceeding ten thousand dollars, for the two fiscal years ending June first, one thousand nine hundred and five; and the sum of sixteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of moneys not otherwise appropriated for said purposes; to be paid by warrant drawn by the Auditor General upon resolution of the State Forestry Reservation Commission.

Approved—The 13th day of May, A. D. 1903.

SAML. W. PENNYPACKER.

AN ACT

Relating to the granting of titles by the Commonwealth to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, and preventing the granting of warrants for the beds of navigable rivers.

1905, P. L.
87.

Section 1. Be it enacted, &c., That whenever an application shall be made to the Secretary of Internal Affairs for any vacant or unappropriated land, of any kind or description whatsoever, it shall be the duty of the Secretary of Internal Affairs to make or to cause to be made a careful investigation concerning the land applied for in said application, with a view of determining, so far as practicable, whether any office rights have heretofore been granted for the land described in said application; and he may also, at his discretion, cause a survey to be made thereof, to ascertain whether such land is vacant or unappropriated, and if it shall be found that the land described in said application has heretofore been appropriated, or that it is not vacant or unappropriated land, he shall make a report to that effect, which report, together with others relating to the proceedings in the case, shall be filed among the records of the Land Office, and shall be conclusive as to the question of vacancy: Provided however, That the applicant shall be entitled to an appeal to the Board of Property, under such rules as said Board of Property may adopt.

Lands, vacant or unappropriated.

Secretary of Internal Affairs, duty of.
Investigation.

Survey.

Report.

Proviso.
Appeal.

If, in the opinion of the Secretary of Internal Affairs, the land applied for shall be vacant or unappropriated, it shall be the duty of the Governor of the Commonwealth, the Attorney General, the Secretary of the Commonwealth and the Secretary of Internal Affairs to appoint three disinterested, reputable persons, to estimate and value the land so applied for, who shall, before they enter upon the duties of their appointment, take an oath or affirmation, before a justice of the peace or other officer having authority to administer an oath, that they will justly estimate and a true valuation per acre make of all the land contained in the tract applied for; and, also, they shall state that

Appraisers.

	they are not directly or indirectly interested in the application for the land applied for.
Valuation.	The persons thus appointed and sworn or affirmed shall proceed to value the land by going on the same, and, having regard to the soil, timber, fisheries, minerals, other advantages and the local situation thereof, and, having agreed upon the valuation per acre of the land so applied for, shall certify the same, under their hands, directed to the Secretary of Internal Affairs, who, upon receipt of the same, shall notify the applicant of the value given to the land so applied for, and shall request payment of the amount due the State by virtue of such appraisement; and until such payment is made, according to the price fixed by the said appraisers, and within the time hereinafter specified, the Secretary of Internal Affairs shall withhold the granting of the warrant.
Certificate of value.	
Withholding of warrant.	
Title.	If payment is made in accordance with such appraisement, the money so paid shall be immediately turned into the State Treasury, and the Secretary of Internal Affairs shall grant title to the applicant for the land so applied for and appraised, in the manner now provided by law, and the expenses incident to the investigation, survey and appraisement shall be paid by the Commonwealth: Provided further, That before appraisers shall be appointed as herein stipulated, it shall be the duty of the Secretary of Internal Affairs to submit to the State Forestry Reservation Commission a copy of the application made for said vacant or unappropriated land, together with a description thereof, as ascertained through said investigation and survey; whereupon it shall be the duty of the said State Forestry Reservation Commission to determine whether it is desirable or practicable that such vacant or unappropriated land should be acquired for forest culture or forest reservation, and said State Forestry Reservation Commission shall, within the period of two months, make report to the Secretary of Internal Affairs as to the desirability or practicability of securing such vacant or unappropriated land for forest culture or forest reservation; and if in said report a request shall be made for the conveyance of such vacant or unappropriated land to the State Forestry Reservation Commission, it shall be the duty of the Secretary of Internal Affairs to grant a warrant and patent, according to the usual custom of
Proviso.	
State Forestry Reservation Commission to be notified of application.	
Report of Forestry Commission.	

the Land Office Bureau, conveying such vacant or unappropriated land to the State Forestry Commission, without the payment of any purchase money, interest or fees.

Warrant and patent to Forestry Commission.

Section 2. That wherever such vacant or unappropriated land shall not be conveyed to the State Forestry Reservation Commission, as provided in the first section of this act, it shall be the duty of the person or persons making application, as aforesaid, for such land to pay the amount of money, as fixed by the appraisement, into the office of the Département of Internal Affairs, within three months from the date of the filing of the report from the State Forestry Reservation Commission refusing such vacant or unappropriated land for forestry culture or forestry reservation, due notice of which date shall be mailed to the applicant by the Secretary of Internal Affairs; and if such applicant shall not make payment within the time specified, he shall be deemed to have abandoned the purpose of securing a grant from the Commonwealth for the land so applied for and appraised, and such vacant or unappropriated land may then be disposed of to any applicant therefor, on the payment of the price as fixed by the report of the appraisers, as hereinbefore provided.

Purchase money.

Non-payment of

Section 3. That on and after the passage of this act, there shall be no warrants or other office rights granted in any of the counties of the Commonwealth for lands in the beds of navigable rivers, or in beds of streams which are by law declared public highways.

Warrants for beds of navigable rivers, etc., forbidden.

Section 4. That whenever the State Forestry Reservation Commission shall apply for vacant or unappropriated land for forest culture or forest reservation, the Secretary of Internal Affairs is hereby authorized to grant title to such applied for lands, in the manner provided by law, without the payment of purchase money, interest or fees.

Application by Forestry Commission.

Section 5. This act shall not be construed to affect any pre-emption rights which may have been acquired under existing laws, or the right of any person who may have an application for vacant land pending with the Secretary of Internal Affairs of the date of the approval of this act; provided those having pre-emption rights shall complete their titles within five years from the date of the approval of this act.

Pre-emption rights

Repeal.

Section 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed
Approved—The 28th day of March, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

1905, P. L.
111.

Providing a fixed charge on lands acquired by the State for Forestry Reserves, and the distribution of revenue, so derived, for school and road purposes.

Preamble.

Whereas, The Commonwealth of Pennsylvania is acquiring large tracts of lands, in its several counties, for the purpose of establishing forest reservations; and

Whereas, The purchasing of said lands by the Commonwealth makes said lands exempt from taxation; and

Whereas, Because of said exemption from taxation, districts in the several counties lose the revenue secured from said prior taxation, and works a hardship upon the citizens thereof, by compelling them to make up the loss on school and road-taxes thus brought about:

Forest re-
serves.

Annual
charge
against.

Certificate
as to num-
ber of acres,
etc.

Section 1. Be it enacted, &c., That from and after the passage of this act, all lands acquired by the Commonwealth for forest reserves, and now exempt from taxation, shall be subject to an annual charge of three cents per acre, for the benefit of the schools in the respective districts in which said reserve or reserves are located, and two cents per acre, for the benefit of the roads in the townships where said reserve or reserves are located.

Section 2. The Commissioner of Forestry shall certify to the respective school-districts and townships, throughout the Commonwealth, in which forest reserves are located, the number of acres owned by the Commonwealth in each district or township, upon application of the treasurer or road supervisor of any of the said districts or townships, and the charge against the same; and shall, furthermore, certify to the State Treasurer the number of acres as aforesaid, and the charge against the same and in favor of the respective districts and townships. The State Treasurer shall, upon the approval of the proper warranters of the

Commissioner of Forestry, pay to the several school-districts and townships the amounts due the same from the Commonwealth, and derived under this act, upon due application therefor made by the treasurers or road supervisors of the said districts and townships.

Payments to school districts and townships.

Approved—The 5th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

To empower the Commissioner of Forestry and the Forestry Reservation Commission to give to boroughs and other municipalities the privilege of impounding water on Forest Reservations owned by the Commonwealth, and of constructing, maintaining and operating lines of pipes over and through the same for the purpose of conveying water therefrom.

1905, P. L. 156.

Section 1. Be it enacted, &c., That the Commissioner of Forestry and the Forestry Reservation Commission are hereby authorized and empowered to give to boroughs and other municipalities of this Commonwealth, upon such terms and subject to such-restrictions and regulations as said Commissioner and Commission deem proper, the privilege of impounding water upon any Forest Reservations, now owned or hereafter to be acquired by the Commonwealth, and of constructing, maintaining and operating lines of pipes upon and through said reservations, for the purpose of conveying water therefrom, whenever in the judgment of the said Commissioner and Commission it shall be to the public interest so to do.

Forestry reservation.

Privileges of boroughs and municipalities.

Pipe lines.

Approved—The 14th day of April, A. D. 1905.

SAML. W. PENNYPACKER.

AN ACT

1907. P. L.
101.

Making constables of boroughs and townships, and their deputies, and the employes of the Department of Forestry ex officio fire-wardens, for the extinguishment of forest or wild land fires; prescribing the duties of such fire-wardens, and their punishment for failure to perform the same; empowering them to procure the assistance of others in the extinguishment of such fires, and providing for the compensation of the said wardens and their assistants, and making an appropriation therefor.

Fire-
wardens.Constables,
deputies
et al.Power and
duties.Authorized
to employ
assistance.

Section 1. Be it enacted, &c., That all constables of boroughs and townships, and their deputies, and the employes of the Department of Forestry are hereby constituted ex officio fire-wardens, whose duty it shall be, when fire is discovered in or approaching forests or wild land, whether the same be owned by individuals, corporations or by the Commonwealth, immediately to take such measures as are necessary for its extinguishment; and who shall have, and are hereby given, authority to employ such other persons as in their judgment may be necessary to render assistance in the extinguishing of such fires.

Compensa-
tion.

Section 2. The said fire-wardens, with the exception of the employes of the Department of Forestry, shall, while engaged in performing the duties imposed by this act, receive twenty-five cents per hour, and the persons so employed to assist such wardens shall receive twenty cents per hour, as compensation for their services.

Warden's
statement.

Section 3. All such fire-wardens shall render to the commissioners of the respective counties, within two months from the date of any fire, an itemized statement, under oath or affirmation, giving the location of the fire, the names of the persons engaged, the number of hours each was employed, the amount of expense incurred in the extinguishment of each fire, and, if possible, stating the origin of the fire; and the commissioners of the said counties, upon presentation thereof, shall immediately pay to the fire-warden, for the use of the persons so entitled, the respective amounts in full so ascertained to be due.

Payment.

Section 4. At the end of each calendar year, after all fire bills shall have been received for the current year and settlements made by the county commissioners, the said commissioners shall furnish, under oath or affirmation, to the Auditor General of the Commonwealth, a written, itemized statement of all such payments made; and the said Auditor General after the same is approved by him, shall draw his warrant upon the State Treasurer, in favor of the said county commissioners, for two-thirds of the total expense incurred by the said commissioners, in manner provided by this act, for the extinguishment of forest or wild land fires.

Commissioners' statement.

Warrants.

Section 5. The said ex officio fire-wardens shall not be limited in their jurisdiction as fire-wardens to the townships, boroughs, and counties for which they were elected, or within which they may reside or are stationed; but shall have power and authority to enter adjacent or other townships, boroughs, or counties, and there to exercise the authority and perform the duties conferred and imposed by this act.

Jurisdiction of fire-wardens.

Powers.

Section 6. Whenever any such fire-warden or his assistants shall have rendered service in two or more counties, in extinguishing any fire which shall have burned in two or more counties, said warden shall render statements to the commissioners, respectively, of the counties wherein such service was rendered; setting forth the facts required to be stated by section three of this act, as accurately as may be, which said amounts, so ascertained to be due, shall be paid by the respective commissioners, in like manner as is provided by section three of this act.

Fires in two or more counties.

Payment for services.

Section 7. Constables of boroughs and townships are hereby empowered to appoint such deputies as are or may be necessary, not exceeding five in number, who shall be vested with the same authority as constables have under this act; whenever any fire-warden, by reason of physical disability, unavoidable absence from home, or imperative necessity, shall be unable to perform the duties required by this act, said warden is hereby empowered to appoint a suitable person to act in his stead, who shall be paid twenty-five cents per hour for his services thus rendered, and who, when so appointed, shall be charged with all the duties and liabilities of said warden: Provided,

Deputy constables.

Disability of fire-wardens.

Substitute.

Proviso.

That in making returns to the county commissioners, said returns shall be made by the warden upon report rendered, under oath or affirmation, by the person so appointed.

Unauthor-
ized ser-
vices.

Proviso.

Investiga-
tion.

Return, in
case of
death or dis-
ability.

Failure to
perform
duty.

False state-
ment, etc.

Misde-
meanor.

Fine and
penalty.

Appropri-
ation.

Section 8. Whenever, in the absence of a fire-warden, a forest or wild land fire shall be extinguished or combatted by persons without first having been employed by said warden, such persons shall receive the compensation provided by this act: Provided, That after a thorough investigation by the fire-warden, wherein he shall have power and authority to examine persons under oath or affirmation, he shall have ascertained, if possible, as a result of his investigation, the origin of the fire, the amount of services rendered by such persons, and that such service was necessary for the extinguishment of the fire, and shall certify the facts to the county commissioners, in like manner as hereinbefore provided.

Section 9. In case of the death of a fire-warden, before the making of any return to the county commissioners as provided for by this act, or in case of his total physical disability, said return may be made by another warden, after first ascertaining the facts; and in making such examination or investigation, said other warden is hereby empowered to examine persons under oath or affirmation.

Section 10. If any such ex officio fire-warden or other officer shall fail to perform his duty as set forth in section one of this act, or shall wilfully or negligently refuse to perform such duty, or shall render a false and fraudulent statement of services alleged to have been performed, under the provisions of this act, or shall fail or refuse to pay the respective amounts due those who have assisted him in extinguishing fires, after said amounts shall have been paid him by the county commissioners, such fire-warden or other officer shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or undergo imprisonment not exceeding three months, both or either, at the discretion of the court.

Section 11. That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated for the payment of the Commonwealth's share of

the expense incurred under the provisions of this act.

Approved—The 25th day of April, A. D. 1907.
EDWIN S. STUART.

This Act replaces the original Fire Wardens' Act of March 30, 1897 and the amended Act of March 31, 1905, enlarges the power of the wardens, and adds thereto the employees of the Dept. of Forestry.

For Act of March 22, 1899, P. L. 17, making constables ex-officio fire, game and fish wardens, see page 14 of this pamphlet.

Decisions and opinions relating to the original act are the following:

The right of the constables and those employed by them to recover the compensation provided in the Act is indisputable, A. G. O., 9 D. R. 537.

This Act is constitutional, *Gunder v. Wyoming Co.*, 12 D. R., p. 87. Opinion by Dunham, J., distinguishing *Baker v. Warren Co.*, 22 C. C., p. 205 and *Hart v. Tioga Co.*, 25 C. C., 273. See also *Baker v. Warren Co.*, 11 Pa. Sup. Ct., 170.

AN ACT

To provide for the planting and care of shade-trees, on highways of townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania, and providing for the cost thereof.

1907, P. L.
349.

Section 1. Be it enacted, &c., That in townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania there may be appointed, in the manner hereinafter provided, a Commission of three freeholders, to be known and designated as the Shade-tree Commission of the said township, borough, or city, who shall serve without compensation, and who shall have exclusive and absolute custody and control of, and power to plant, set out, remove, maintain, protect, and care for shade trees, on any of the public highways of the said townships, boroughs, and cities, the cost thereof to be provided for in the manner hereinafter stated: Provided, That in townships, boroughs, or cities in which a Commission for the care of public parks shall have been created, said Commission shall, upon the acceptance of this act as provided in section two, be charged with the duties of the Commission as above provided, and shall, for that purpose, be possessed of all the powers herein mentioned and granted.

Shade-trees.

Shade-tree
Commis-
sion.

Proviso.

Existing
park com-
missions.

Acceptance of this act.	Section 2. The commissioners of any township of the first class, or the councils of any borough or city, in the State of Pennsylvania, may, by majority vote in the case of the commissioners, or by joint resolution in the case of the councils, accept the provisions of this act, and when such majority vote or joint resolution shall have been duly passed and approved, and such Shade-tree Commissioners appointed, or, in their stead, the duties and powers herein provided have been devolved upon an existing park commission, then, from that time and in that event, this act and all its provisions shall be in full force and application in such township of the first class, borough, or city, so accepting; and such commissioners shall be appointed, for terms of three, four, and five years, respectively, and, on the expiration of any term, the new appointment shall be for five years, and any vacancies shall be filled for the unexpired term only; and in townships of the first class the said appointment shall be made by the commissioners thereof; and in boroughs, by the chief burgess, and in cities by the mayor thereof: Provided, That in cities where a Commission exists for the care of public parks, the term and appointment of such Commission shall not be changed by this act, but shall be and remain as provided by the act of Assembly, and by the ordinance of councils creating such Commission for the care and maintenance of public parks. And such Shade-tree Commission shall, twice in every year, report in full its transactions and expenditures for the municipal fiscal year then last ended, to the authority under and by which it was appointed: Provided, That an existing park commission, acting under this enactment, may embody its report in its regular report to the councils, as by law or ordinance provided.
Terms of commis- sioners.	
Appoint- ments.	
Proviso.	
Annual re- port.	
Proviso.	
Tree plant- ing, etc.	Section 3. That when such shade-tree commissioners, or park commissioners so acting, shall propose the setting out or planting or removing of any shade trees, or the material changing of the same in any highway, they shall give public notice of the time and place appointed for the meeting at which such contemplated work is to be considered, specifying in detail the highways, or portion thereof, upon which trees are proposed to be planted, removed, or changed, in one or more—not exceeding two in all—of the news-
Notice shall be pub- lished.	

papers published in said township, borough, or city, once each week for at least two weeks, prior to the date of said meeting.

Section 4. The cost of planting, transplanting, or removing any trees in any highway, and of suitable guards, curbing, or grading for the protection thereof, when necessary, and of the proper replacing of any pavement or sidewalk necessarily disturbed in the doing of such work, shall be borne by the owner of the real estate in front of which such trees are planted, set out, or removed; and the cost thereof as to each tract of real estate shall be certified by the commissioners to the township commissioners, or to the presidents of the councils in boroughs and cities, and also to the person having charge of the collection of taxes for the said township, borough, or city; and upon the filing of said certificates, the amount of the cost of such improvement, of which notice shall also be given to each property owner involved, accompanied with a copy of the aforesaid certificate, together with a notice of the time and place for payment, shall be and become a lien upon said real estate, in front of which said trees have been planted, set out, or removed; said lien to be collectible, if not paid in accordance with notice as herein provided, in the same manner as other liens for taxes are now collectible against the property involved.

Cost of
planting,
transplant-
ing, etc.

Certificates.

Lien.

Section 5. The cost and expense of caring for said trees after having been planted or set out, and the expense of publishing the notices provided for in section three, shall be borne and paid for by a general tax, to be levied annually in the manner that taxes for township, borough, and city purposes are now levied in such townships of the first class, boroughs, or cities; such tax not to exceed the sum of one-tenth of one mill on the dollar on the assessed valuation of the property in such townships of the first class, boroughs, or cities; and the needed amount shall each year, in due time, be certified by the shade-tree commissioners to the proper authorities charged with the assessment of taxes in said townships, boroughs, or cities, to be assessed and paid, as other taxes are assessed and paid, and to be drawn against as required by said commissioners, in the same manner as moneys appropriated for township, borough, or city purposes are now drawn

Costs of care
and publica-
tion.

Tax.

- Proviso.** against in said townships, boroughs, or cities: Provided, That the commissioners of any township of the first class, and the councils of any borough or city, accepting the provisions of this act, may provide for the expense of the maintenance of trees on highways, in accordance with the provisions of this section by actual appropriation, equal to the amount certified to be required by the said Commission, in lieu of the specific assessment above authorized.
- Appropriation.**
- Superintendent, engineer, wardens, etc.** Section 6. The Commission, under which the provisions of this act shall be carried out, in any township of the first class, borough, or city, shall have power to employ and pay such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require; and to make, publish and enforce regulations for the care of, and to prevent injury to, the trees on the highways of any township, borough, or city accepting the provisions of this act; and to assess suitable fines and penalties for violations of this act, provided such regulations shall have been published at least twice in one or more, not exceeding two, newspapers of the township, borough, or city, involved, after having been submitted to and being approved by the commissioners of the township of the first class, of the councils of the borough or city affected; and such fines and penalties, so assessed for violations of this act, shall become liens upon the real property of the offender, and be collectible by the constituted authorities as liens for taxes upon real property are now collected.
- Regulations.**
- Fines and penalties.**
- Liens.**
- Disposition of fines, etc.** Section 7. All the moneys due and collected from fines or penalties or assessments, in consequence of the acts of said Shade-tree Commission in enforcing this act, shall be paid to the treasurers of the townships, boroughs, and cities accepting its provisions, and shall be placed to the credit of said commission, subject to be drawn upon by the said commission for the purposes of this act.
- Repeal.** Section 8. All acts and parts of acts inconsistent with this act are hereby repealed.
- Section 9. This act shall take effect immediately; but its provisions shall not be and become binding

upon any township, borough, or city until it has been duly accepted, as provided in section two.

Approved—The 31st day of May, A. D. 1907.

EDWIN S. STUART.

AN ACT

Authorizing the transfer of the control and management of the Sanatorium on the State Forestry Reservation near Mont Alto, in Franklin county, from the Commissioner of Forestry to the Department of Health. 1907, P. L. 381.

Section 1. Be it enacted, &c., That in case the Department of Health shall, with the approval of the Governor, in the establishment of sanatoria, or colonies for the reception and treatment of indigent persons affected with incipient tuberculosis, find it desirable to take over, control, and manage the Sanatorium located on the State Forestry Reservation near Mont Alto, in Franklin county, established under the provisions of the act approved May fifteenth, Anno Domini one thousand nine hundred and three, the Commissioner of Forestry is hereby authorized and directed to transfer said Sanatorium, and the management and control of the same, to the Department of Health, which is hereby authorized to receive, and henceforth manage and control, the said Sanatorium. Sanatorium, Mont Alto. Transfer from Commissioner of Forestry to Department of Health.

Approved—The 1st day of June, A. D. 1907.

EDWIN S. STUART.

By Act of Assembly approved May 14, 1907, the sum of \$600,000 is appropriated for the use of the Dept. of Health to carry out the idea represented by the Camp Sanatorium at Mont Alto, established by the Commissioner of Forestry in 1903.

For blank forms of application for admission to this Camp Sanatorium, address "Camp Physician, White Pine Camp, Mont Alto, Franklin County, Pa."

AN ACT

1907. P. L.
527.

Establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liabilities for damages.

Forest fires,
regulations
to prevent.

Lands upon
which are
oil and gas-
wells.

When fires
may not be
started.

When fires
may be
started.

Conditions.

Violations.

Misde-
meanor.

Fine.

Commit-
ment.

Proviso.

Section 1. Be it enacted, &c., That fallows, stumps, logs, brush, dry grass, fallen timber, or tree-tops shall not be burned in any forest lands of this Commonwealth, in which there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, from the first day of April in each year to the twentieth day of May next ensuing, nor from the tenth day of September in each year to the tenth day of November next ensuing. Excepting during the periods aforesaid, fires may be set in such lands upon the following conditions: First, that written permission thereto, of the fire-warden of the proper township, shall first be obtained; second, said fire-warden shall be personally present when such fire is started; third, such fire shall not be started during a strong wind, nor without sufficient help to control the same at all times; fourth, such fire shall be watched and guarded, by the person by whom it is started, until it is extinguished. No fires shall be set, or allowed to burn, in said lands, excepting upon compliance with the conditions aforesaid. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor; and, upon being convicted thereof before any alderman or magistrate, shall be fined by the said alderman or magistrate,—for the first offense, in the sum not less than ten dollars or more than twenty dollars, and for the second, and every subsequent, offense, in a sum not less than twenty nor exceeding one hundred dollars, to be paid to the county wherein such offense may be committed; and if said fine or penalty and the costs of the proceedings be not paid, then said alderman or magistrate shall commit said offender to the county jail, there to remain until discharged by due course of law: Provided, That when the fine imposed exceeds the sum of twenty dollars,

the party complained against may appeal from the decision of said alderman or magistrate to the court of quarter sessions, upon his entering bail, in the nature of a recognizance, in the usual manner, for his appearance at said court, where the offense shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor.

Appeal.

Bail.

Section 2. Any owner or lessee of any forest lands, or owner of trees growing upon said lands, or any person in charge of the premises upon which lands there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, shall, at least once in each year, cause to be moved from said lands all brush, tree-tops, and branches of trees, which such owner, lessee, or other person in charge of the premises, may have cut or felled thereon, within one hundred feet, respectively, of all such wells or rigs; and shall, at least once in the year, cause to be removed from said land all grass, brush, tree-tops, and branches of trees, and other inflammable material, within one hundred feet of the right of way of any railroad company operating thereon; to the end that during the spring and autumn season, as defined in the first section of this act, the said area shall be free and clear of such inflammable material. In case any person, partnership, or corporation shall neglect to perform the duty imposed by this section, the same shall be liable to a penalty of fifty dollars for failure, in any instance, to comply with the duty imposed by this section; to be paid to the county where the offense may be committed, recoverable in an action of assumpsit, in which the county wherein such violation occur shall be the plaintiff.

Annual clearance of lands of inflammable material.

Neglect.

Fine.

Section 3. Every railroad company shall, on such part of its road as passes through forest land on which there are producing oil-wells or gas-wells, or rigs erected for drilling such wells, cut and remove from its right of way through said lands, at least once a year, all grass, brush and other inflammable materials; employing, in the seasons defined in the first section of this act, sufficient trackmen to promptly put out fires on its right of way; provide locomotives thereon with steel netting or iron wire on the smokestacks or other efficient spark-arresters, to prevent the escape of fire or sparks, and adequate devices to prevent the

Duties of railroad companies

Spark-arresters.

escape of fire from ash-pans and furnaces, and the same shall be used by every engineer and fireman on such part of its road. No railroad company, or employe thereof, shall deposit fire, coals, or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, within one hundred feet of its tracks, the railroad company shall use all practicable means to put it out. In case of any violation of the provisions of this section, such railroad company shall be answerable to the owner or owners of any property destroyed or injured by fire in consequence of such violation; and said company shall further be liable to a penalty of one hundred dollars for such violation, to be paid to the county wherein the violation may occur, recoverable in an action of assumpsit in which the county wherein such violation occurs shall be the plaintiff.

Approved—The 12th day of June, A. D. 1907.

EDWIN S. STUART.

AN ACT

1907 P. L.
590.

Making an appropriation for the payment of the annual fixed charge for school and road purposes, on lands held for Forest Reserves.

Appropriation.
Fixed charge
for school
and road
purposes.
Forest re-
serves.

Section 1. Be it enacted, &c., That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated for the payment of the annual fixed charge for school and road purposes, on lands held for forest reserves, as per act of April fifth, one thousand nine hundred and five (Pamphlet Laws, page one hundred and eleven), for the two fiscal years beginning June first, one thousand nine hundred and seven.

Approved—The 13th day of June, A. D. 1907.

EDWIN S. STUART.

AN ACT

Making an appropriation to the State Forest Academy, at Mont Alto, Franklin county, Pennsylvania. 1907, P. L. 597.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the State Forest Academy, located on the State Forest Reserve, at Mont Alto, Franklin county, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seven, for the purpose of maintaining the State Forest Academy, and for providing instruction in forestry therein; and that the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated for the purpose of erecting a dormitory for the students of the State Forest Academy, and for the furnishing and equipment of the same.

Appropriation.

Maintenance.

Dormitory.

Approved—The 13th day of June, A. D. 1907.
EDWIN S. STUART.

AN ACT

Making an appropriation for the purchase of lands to be held as State Forest Reserves, in order to carry into effect the appropriate provisions of an act entitled "An act to establish a Department of Forestry, to provide for its proper administration, to regulate the acquisition of land for the Commonwealth, and to provide for the control, protection, and maintenance of Forestry Reservations by the Department of Forestry," approved February twenty-fifth, one thousand nine hundred and one, Pamphlet Laws page eleven, and also a subsequent act entitled "An act to limit the amount of money expended each year by the State Forestry Reservation Commission in the purchase of lands for the Commonwealth," approved April fifteenth, one thousand nine hundred and three, Pamphlet Laws page two hundred and one.

1907, P. L. 742.

Section 1. Be it enacted, &c., That the sum of six hundred thousand dollars, or so much thereof

Appropriation.

Purchase of
lands.

as may be necessary, be and the same is hereby specifically appropriated for the purchase of lands to be held as State Forest Reserves, in order to carry into effect the appropriate provisions of an act of Assembly entitled "An act to establish a Department of Forestry, to provide for its proper administration, to regulate the acquisition of land for the Commonwealth, and to provide for the control, protection, and maintenance of Forestry Reservations by the Department of Forestry," approved the twenty-fifth day of February, one thousand nine hundred and one, Pamphlet Laws page eleven, and also a subsequent act entitled "An act to limit the amount of money expended each year by the State Forestry Reservation Commission in the purchase of lands for the Commonwealth," approved the fifteenth day of April, one thousand nine hundred and three, Pamphlet Laws page two hundred and one; three hundred thousand dollars thereof, or so much thereof as may be necessary, for the fiscal year beginning June first, one thousand nine hundred and seven, and three hundred thousand dollars thereof, or so much thereof as may be necessary, for the fiscal year beginning June first, one thousand nine hundred and eight.

Approved—The 13th day of June, Anno Domini 1907, in the sum of \$500,000. I withhold my approval from the remainder of said appropriation because of insufficient State revenue.

EDWIN S. STUART.

AN ACT

1907, P. L.
762, 771.

To provide for the ordinary expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, &c.

* * * * *

Department of Forestry.

Commissioner.

For the payment of the salary of the Commissioner of Forestry, two years, the sum of six thousand dollars (\$6,000).

Deputy.

For the payment of the salary of the Deputy Commissioner of Forestry, two years, the sum of five thousand dollars (\$5,000).

For the payment of clerk hire, two years, the sum of six thousand dollars (\$6,000).

For the payment of special examinations to encourage and promote the development of forestry, and for contingent expenses connected with the necessary work of the Commissioner of Forestry, two years, the sum of six thousand dollars (\$6,000).

Examina-
tions and
contingent.

For the payment of traveling and other necessary expenses of the members of the State Forestry Reservation Commission, two years, the sum of three thousand five hundred dollars (\$3,500).

Traveling
expenses.

For the payment of the forest rangers, two years, the sum of seventy-five thousand dollars (\$75,000.00).

Forest ran-
gers.

For the payment of foresters, two years, the sum of twenty thousand dollars (\$20,000.00).

Foresters.

For the payment of labor, two years, the sum of thirty thousand dollars (\$30,000.00).

Labor.

For the purchase of seedling-trees and tree-seeds, two years, the sum of five thousand dollars (\$5,000.00).

Trees.

For the payment of surveys, two years, the sum of ten thousand dollars (\$10,000.00).

Surveys.

For the payment of draftsmen, and for the purchase of supplies for drafting and map-making, two years, the sum of three thousand dollars (\$3,000.00).

Draftsmen.

For the purchase of horses, wagons, implements, and their maintenance, and for other necessary materials, two years, the sum of three thousand dollars (\$3,000.00).

Wagons, im-
plements,
etc.

For the payment of necessary and incidental expenses to provide for the control, protection, and maintenance of the Forest Reserves, two years, the sum of ten thousand dollars (\$10,000.00).

Forest re-
serves.

For the payment of the examination of titles to land, two years, the sum of twenty-five thousand dollars (\$25,000.00).

Titles.

* * * * *

Approved—The 14th day of June, A. D. 1907.

EDWIN S. STUART.

RULES FOR THE GOVERNMENT OF THE STATE FOREST RESERVATION LANDS.

1. The game, fish, and forest laws of the State must not be violated.

2. Birds' nests must not be destroyed or in any other manner interfered with.

3. Open camp fires or other fires must not be made, except in a hole or pit one foot deep, encircling the pit so made by the earth taken out.

4. Every camp fire or other open fire must be absolutely extinguished before the last member of the party using it leaves the locality.

5. Lighted matches, cigars, cigarettes, or hot ashes from pipes must not be thrown upon the ground. In every case they must be allowed to burn out or be otherwise extinguished.

6. Living trees must not be cut down or injured in any manner. Dead and down timber may be used for camp fires.

7. No person will be permitted to erect a camp who has not accepted in writing the camping rules and received a camping permit. When requested, every camping party, before selecting a camp site or pitching a camp, must report to a forest officer on the Reservation, who will assign a suitable camp site within the region where it is desired to locate. No camping party shall consist of more than ten persons at one time. Permits will be granted for a period of two weeks only, but may be extended upon further application.

8. Every person receiving a camping permit must report to the Commissioner of Forestry at Harrisburg, any violation of law or of the rules for the government of the State Forest Reservation Lands coming under his observation.

9. No permanent camp or other permanent structure may be erected on the Reservation.

10. The pre-emption of any ground as a special camp site to the exclusion of others who may desire to camp near, and who have permission to camp on State Forest Reservation Lands, will not be permitted.

11. All persons who desire to picnic upon the State Forest Reservation Lands, remaining for a less time than a day, and not over night, are not regarded as campers and will not be required to procure a camping permit, but will be governed in all other respects by these rules.

12. During the open deer season in each year, no dog of any description shall be used for hunting purposes on the State Forest Reservation Lands, nor shall any such dog during that period be taken by hunters into camps on said lands.

13. The making of fires by hunters who stand on deer or other "runways" is forbidden.

14. The placing of advertisements on the State Forest Reservation Lands is prohibited.

15. Superintendents, wardens, detectives and all other Reservation employes are required to remove immediately from State Forest Reservation Lands all persons who take deer running dogs thereon, and to kill the dogs when found in pursuit of deer. They are also required to remove therefrom all persons who do not properly guard their camp or other fires so as to prevent destruction of State property by the starting of general forest fires, and campers who do not have proper camping permits.

16. All persons who desire to camp upon the State Forest Reservation Lands must first apply to the Commissioner of Forestry. A blank application containing the rules for the government of campers will be forwarded to the applicant, who must sign and return the same to the Commissioner. If in proper form, in the absence of other objections, a permit will then be granted.

17. All grazing of horses, cattle, sheep, and hogs upon the State Forest Reservation Lands is prohibited, except under direction of the Commissioner of Forestry.

18. The breaking of trees or shrubbery or the pulling up of small trees is prohibited except for botanical purposes, for which a permit may be procured from the Commissioner of Forestry.

TAKE NOTICE THAT

Persons who violate the laws or any of the above rules will subject themselves to immediate arrest without warrant, to be dealt with according to law, and may be denied all future privileges of camping, hunting, or fishing on the State Forest Reservation Lands.

All State Forest Reservation employes, without first procuring a warrant, are vested by act of Assembly with power to arrest on view all persons detected by them in the act of trespassing upon forest or timber lands, within the Commonwealth, under such circumstances as to warrant the reasonable

suspicion that such persons have committed, are committing, or are about to commit some offense against any of the laws now enacted or hereafter to be enacted for the protection of forest and timber lands. They are likewise vested with similar powers of arrest in the case of offenses against these Rules, or for offenses committed against the laws for the protection of the fish and game found within the State Forest Reservations.

All constables are requested, in case fire occurs within their townships, to notify the constables of adjacent townships toward which the fire is traveling.

COMMISSIONER OF FORESTRY.

FORM OF APPLICATION FOR A PERMIT TO CAMP UPON
THE STATE FOREST RESERVATION LANDS.

Dated 190...

To the Commissioner of Forestry,
Harrisburg, Pa.

Sir:—

I hereby request you to grant me a permit to camp upon the State Forest Reservation Lands. My intended camp will be located
It is desired to erect the camp on or about the day of 190 , and to remain there for a period of about days.

In consideration of granting a permit I agree to be bound by the Rules and Regulations for the government of the State Forest Reservation Lands and specifically promise:

That I will violate no game, fish, or forest laws of the State.

That I will not destroy or in any other manner interfere with birds' nests.

That all camp or other open fires will be made only in a hole or pit one foot deep, and the pit so made encircled with the earth taken out.

That if I should be the last member of the party leaving the camp, I will see that the camp fire or any other fire is absolutely extinguished.

That I will in no case throw a lighted match, cigar, cigarette, or hot ashes from a pipe, upon the ground.

That I will cut down no living tree nor in any manner injure it.

That I will not attempt to erect my camp until I have received a permit, and when requested will first report to a forest officer and receive and follow his instructions with respect to a camp site. I will not be a member of any camping party consisting of more than ten persons, nor will I remain upon the State Forest Reservation Lands more than two weeks without special permission in addition to my permit.

That I will report to you all violations of the law or the rules governing the State Forest Reservation Lands, coming under my observation.

That I will erect no permanent camp or other permanent structure upon the Reservation.

That I understand no camping permit from your office can confer upon me the privilege of pre-empting any ground as my own special site to the exclusion of others who may desire to camp near and who have a similar permit to camp on the State Forest Reservation Lands.

That during the open deer season, I will use no dog of any description for hunting purposes upon the State Forest Reservation Lands, nor will I during that period take any such dog into camp.

That I will build no fires upon deer or other "runways."

That I will place no advertisements upon the State Forest Reservation Lands.

That I am aware of the authority vested by law in superintendents, wardens, detectives, and other Reservation employees, and will to the best of my ability aid these officers in the performance of their duties.

(Names.)

(Addresses.)

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NOTE: The applicant for a camping permit will describe in full the intended location of his camp, giving the county, township and name of the valley, mountain, stream, or such other local designation as will define its position. Not more than ten persons may sign the above application, or be admitted to a camp at one time. Each applicant must sign in his own handwriting, or his permit will be refused. The period for which a permit will be issued is two weeks, but may be extended upon further application.

FORM OF PERMIT TO CAMP ON STATE FOREST RESERVATION LANDS.

In consideration of having subscribed to the Rules and Regulations for the government of the State Forest Reservation Lands, permission is hereby granted to

 to camp on said lands at

 in accordance with.....application on file in this
 Department, dated.....190....,
 and bearing file number.....

This permit is good only for a period of two weeks from the date hereof, but may be extended upon making further application, and may be revoked for cause.

Before locating your camp report to.....
 at who will assign a suitable
 camping site for your use, within the region where you desire
 to locate.

Dated at Harrisburg, Pa., the.....day of.....190..

Commissioner of Forestry.

AN ANALYSIS AND SUMMARY OF THE ACTS OF ASSEMBLY OF THE STATE OF PENNSYLVANIA RELATING TO FORESTS AND FORESTRY.

By I. C. Williams, Deputy Commissioner of Forestry.

(Where penalties are herein referred to, the maximum penalty is given, unless otherwise mentioned.)

Acts of Assembly, general and special, relating to forests and forestry, in force in Pennsylvania:

April 18, 1794, secs. 2 and 3, 3 Sm. L. 139.
March 29, 1824, P. L. 152.
March 31, 1860, secs. 140, 152, 153, P. L. 419.
April 9, 1869, P. L. 786.
May 4, 1869, P. L. 1251.
June 2, 1870, P. L. 1316.
May 19, 1871, P. L. 950.
June 11, 1879, P. L. 162.
June 13, 1883, P. L. 112.
June 1, 1887, P. L. 287.
May 14, 1891, P. L. 60.
June 2, 1891, P. L. 170.
March 30, 1897, P. L. 9.
April 29, 1897, P. L. 29.
July 15, 1897, P. L. 295.
March 22, 1899, P. L. 17.
February 25, 1901, P. L. 11.
March 22, 1901, P. L. 52.
May 2, 1901, P. L. 119.
June 17, 1901, P. L. 569.
July 2, 1901, P. L. 610.
March 11, 1903, P. L. 24.
March 25, 1903, P. L. 60.
April 15, 1903, P. L. 200.
April 15, 1903, P. L. 201.
May 13, 1903, P. L. 373.
March 28, 1905, P. L. 67.
April 5, 1905, P. L. 111.
April 14, 1905, P. L. 156.
April 25, 1907, P. L. 101.
May 31, 1907, P. L. 349.
June 1, 1907, P. L. 381.
June 12, 1907, P. L. 527.
June 13, 1907, P. L. 590.
June 13, 1907, P. L. 597.
June 13, 1907, P. L. 742.
June 14, 1907, P. L. 752, 771.

Acts prohibited upon forest or timber lands.

See trees, fires, timber, landmarks.

Annual fixed charge upon forestry reserves for school and road purposes in lieu of taxes provided for by appropriation.

Act of June 13, 1907, page 186.

Appeal by defendant may be had from judgment of justice of the peace, where fine imposed is above five dollars.

Act of June 1, 1887, sec. 3, page 151.

Arrest of persons reasonably suspected of violating or being about to violate the forest and timber laws, may be made on view and without a warrant.

Act of April 29, 1897, page 156.

Auditor General may refuse to pay share of State aid for county detectives where arrests and convictions are obtained by detectives appointed by the Commissioner of Forestry.

Act of May 2, 1901, sec. 2, page 168.

Boroughs may require the planting of shade trees along public streets.

Act of June 17, 1901, page 164.

Boroughs may impound water on reservations for borough purposes.

Act of April 14, 1905, page 175.

Camping permit, form of application for; page 193.

Camping permit, form of; page 195.

Charge of 3 cents per acre for schools and 2 cents per acre for roads to be made annually in favor of townships wherein lie forest reservations.

Act of April 5, 1905, page 174.

Appropriation for, page 186.

Cleared land: Owners of cleared land who shall maintain it in young forest trees not fewer than 1,200 to the acre, shall for the first ten years, counted from time of clearing, after due proof receive 90 per cent. of all taxes annually assessed and paid on the land, not to exceed forty-five cents per acre; for the second ten years, 80 per cent. not to exceed forty cents per acre; for the third ten years, 50 per cent., not to exceed twenty-five cents per acre. After first period of ten years, trees may be reduced to not fewer than 600 per acre.

Act of June 1, 1887, sec. 2, as amended by act of March 22, 1901, P. L. 52, 150.

Commissioner of Forestry is President and executive officer of the Commission and Superintendent of the Reservations; he shall have immediate control and management of reservations, and enforce fish and game laws thereon; he shall encourage forestry, obtain and publish information relating to forest lands and enforce all laws for forest protection; he may employ detectives, upon approval of the Governor and the Commission. (See also, "Department of Forestry.")

Act of February 25, 1901, sec. 3, page 161; act of March 11, 1903, page 167.

he shall receive a salary of \$3,000 per annum and all necessary expenses of travel in discharge of his duties; other members of the Commission shall receive no salary but shall be reimbursed for the necessary expenses of their office.

Ibid., sec. 4, page 161.

he shall have an office at the State Capitol and shall be provided with the necessary accommodations and supplies for use of his Department.

Ibid., sec. 5, page 161.

he shall receive all moneys from the sale of timber or minerals, pay the same over to the State Treasurer, and give his bond with two sureties approved by the Governor, in the sum of \$10,000.

Ibid., sec. 9, page 163.

he shall establish and provide instruction for Forest Wardens in a School of Forestry at Mont Alto.

Act of May 13, 1903, page 170.

Commission, State Forestry Reservation: See "Department of Forestry." Page 158.

Constables are ex-officio fire wardens whose duty it is to extinguish forest fires found in their respective townships. They shall receive twenty-five cents per hour as compensation. Those assisting, twenty cents per hour; one-third this expense to be borne by the county, two-thirds by the State.

Act of April 25, 1907, page 176.

Constables may appoint deputy fire wardens.

Ibid., page 177.

Constables or other peace officers may arrest on view and without a warrant, persons trespassing on forest or timber lands under such circumstances as give rise to a reasonable suspicion that offenses against the laws for the protection of such lands have been or are about to be committed.

Act of April 29, 1897, page 156.

Counties: See fires; see special acts of Assembly. Page 147.

County commissioners, who, after being called upon by the Commissioner of Forestry, shall fail to appoint detectives to ferret out and bring to punishment those who fire timber lands, shall be guilty of a misdemeanor in office, and on conviction thereof, shall pay a fine of \$100 or suffer an imprisonment of two years or both.

Act of June 2, 1870, sec. 1, as amended by act of July 15, 1897, page 157.

County commissioners shall at once pay the amount of expense incurred in extinguishing fires.

Act of April 25, 1907, page 176.

County may forfeit share of State's aid for pay of detectives, if arrests and convictions for kindling fires are obtained by detectives appointed by the Commissioner of Forestry.

Act of May 2, 1901, sec. 2, page 164.

County treasurers, advertising unseated lands for sale for unpaid taxes, shall publish a notice of sale once a week for six weeks, and notify the Commissioner of Forestry.

Act of March 30, 1897, page 154.

Damages for injuries to trees along highways and on adjacent lands, may be recovered from telephone, telegraph, and electric light companies.

Act of June 2, 1891, page 152.

Department of Forestry: A Commissioner of Forestry and four other citizens shall constitute the State Forestry Reservation Commission. They shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate, for a term of four years. They have power to purchase suitable lands for forestry preservation, limited to a price not in excess of \$5 per acre; to control and manage the lands so purchased as well as those of prior purchase; to make rules and regulations for the control, management, and protection of reservations; to sell and dispose of timber on forest lands on terms most advantageous to the State; to make and execute contracts or leases in the name of the Commonwealth for mining or removal of valuable minerals on reservations, after approval by the Governor and notice for one month by advertising, the contracts and leases to be awarded to the highest bidder, who shall give bond in amount to be designated by the Commission, and to be approved by the court of the county wherein the contracts or leases are made; one-half the net revenue derived from such contracts and leases to be paid to the respective township treasurers, provided this amount do not exceed twice the amount of taxes which would have been derived from such lands if owned by individuals.

Act of February 25, 1901, sec. 1, page 158.

Detectives to ferret out and bring to punishment persons firing timber lands shall be appointed by county commissioners. The expense of such employment shall be paid, one-half by the county and one-half by the State; which, for the State, shall not for a single county in any one year exceed \$500.

Act of June 2, 1870, sec. 1, as amended by act of July 15, 1897, page 157.

Electric light companies may be compelled to pay damages for injuries to trees along highways and adjacent lands.

Act of June 2, 1891, page 152.

Employees of the Department of Forestry are ex-officio fire wardens.

Act of April 25, 1897, page 176.

Estrepement may issue to prevent further cutting of timber by a tenant in common.

Act of May 4, 1869, sec. 3, page 148.

Fines: When a penalty of more than \$5 is imposed, defendant may appeal from judgment of justice of the peace to court of quarter sessions, after recognizance given; in which court upon conviction, defendant may be subject to fine of \$100, and in default of payment, may be imprisoned one day for each dollar of penalty.

Act of June 1, 1887, sec. 3, as amended by act of May 14, 1897, P. L. 60, page 151.

Fires: Any one who shall wantonly and wilfully kindle fires on lands of another so as to set on fire any woodlands, barrens, or moors, may, on conviction, be sentenced to a fine of \$300 and an imprisonment of twelve months, page 146.

Prosecution hereunder may be commenced at any time within two years from the date of the commission of the act.

Act of June 11, 1879, sec. 1, page 148.

Fires: Kindling fires upon the forestry reservations, except in accordance with the rules of the Commission, cutting or removing timber, or doing any damage to forest lands or timber belonging to the Commonwealth, is punishable upon conviction by fine of not less than \$100, nor more than \$500 for each offense, with costs; in default of payment, the defendant shall be committed to jail until both are paid.

Act of February 25, 1901, sec. 2, page 160.

Fires negligently kindled on another's land, or on one's own land and negligently allowed to communicate to other lands, will subject the offender to fine of \$100, and in default of payment, one day's imprisonment for each dollar of fine. Likewise for negligently carrying into a forest any lighted candle, lamp, or torch, without having same secured in closed vessel.

Act of June 1, 1887, sec. 3, as amended by act of May 14, 1891, P. L. 60, page 151.

Fires: The intentional setting of fires to timber lands in Union county is punishable by a fine of \$500 or imprisonment for one year.

Act of April 9, 1869, page 147.

(The provisions of this act were extended to Schuylkill, Lehigh, Berks, Lycoming, Centre, Snyder and Luzerne counties by act of June 2, 1870, P. L. 1316; from which Lycoming county was excepted by act of May 19, 1871, P. L. 950), page 147.

Fires, the wilful setting of, in woods, on lands, or in marshes, is prohibited under a penalty of \$100 and imprisonment of twelve months.

Act of March 31, 1860, sec. 140, page 146.

Fires: When county commissioners fail to appoint persons to ferret out and bring to punishment persons who wilfully or otherwise cause the burning of timber lands, the Commissioner of Forestry may, on request of the residents of a county where fires have occurred, appoint detectives and employ attorneys to ferret out and bring to punishment those who kindle such fires; all expenses thereof to be paid by the State Treasurer after approval by the Governor and Commissioner of Forestry.

Act of May 2, 1901, sec. 1, page 163.

Fires: In regions where there are oil or gas-wells, fires shall be kindled only in accordance with directions of act of June 12, 1907, page 184.

Fires: Debris must be removed from such lands at least once a year.

Ibid, page 185.

Fires: Every railroad company must remove debris from right of way through such lands, must provide spark arresters, and sufficient trackmen to extinguish fires.

Ibid, page 185.

Fire wardens are the constables of the respective township and the employees of the Department of Forestry, they may enter adjacent boroughs, townships, or counties to extinguish fire; may appoint deputies; and file expense accounts for other wardens under certain conditions. All expense accounts must be filed within two months.

Act of April 25, 1907, page 176.

Fire wardens are punishable for neglect of duty.

Act of April 25, 1907, page 178.

Fire works are prohibited on timber and forest lands under penalty of \$100, or in default of payment, one day imprisonment for each dollar of fine.

Act of June 1, 1887, sec. 3, as amended by act of May 14, 1897, P. L. 60, page 151.

Floods, destructive; prevention of.
See "Unseated Lands."

Forest culture encouraged.
Act of June 1, 1887, page 150.

Forests, re-establishment of, on cleared land: See "Cleared Lands."

Forestry Department: See "Department of Forestry." Page 158.
General appropriation for, page 188.

Forestry Reservation Commission is authorized to expend \$300,-000 per year in purchase of lands. All proceeds derived from reservation lands shall become a special fund to be used in defraying expenses of improvement and protection of such lands, or for purchase of additional lands.
Act of April 15, 1903, page 169.

Forestry school established at Mont Alto for the instruction of Forest Wardens.
Act of May 13, 1903, page 170.
Appropriations for maintenance and dormitory provided for.
Act of June 13, 1907, page 187.

Jury of view may be appointed to assess damages suffered from cutting trees by telephone, telegraph and electric light companies.
Act of June 2, 1891, page 153.

Justice of the peace must issue his warrant to any constable or police officer upon information, supported by affidavit, of violation of act of June 1, 1887, relating to wilful and negligent destruction of timber and forest trees. Page 152.

Land, vacant or unappropriated. See "Title."

Landmarks, boundary trees, etc. See trees, page 146.

Lands purchased by the Commission shall be paid for by the State Treasurer on warrant of the Auditor General upon vouchers approved by the Commission and the Governor.
Act of February 25, 1901, sec. 7, page 162.
Appropriation for the purchase of land, page 187.

Limitation of action: Prosecution for malicious firing may be commenced at any time within two years from the commission of the act.
Act of June 11, 1879, sec. 1, page 148.

Navigable rivers, beds of, no further warrants for.
Act of March 28, 1905, page 173.

Nurserymen are excluded from the benefits conferred by the act of June 1, 1887, sec. 1, for the encouragement of forest culture, page 150.

Oil and gas-well lands: Regulations concerning use of fire on.
Act of June 12, 1097, page 184.

Penalties collected for destruction of trees planted by the road-side in abatement of taxes, shall be paid to the supervisor of roads, as part of the road fund.
Act of July 2, 1901, sec. 6, page 166.

Permit, camping, form of, page 195.

"Persons employed by the Commissioner of Forestry:" made ex-officio fire wardens by act of April 25, 1907, page 176.

Prosecutor shall receive reward of \$50 for every conviction for maliciously kindling fires.

The prosecutor shall be a competent witness.

Act of June 11, 1879, sec. 2, page 149.

Railroads must equip engines with spark arresters and maintain right of way through oil and gas lands free or debris.

Act of June 12, 1907, page 185.

Reservations, State Forest. Annual charge of 3 cents per acre for schools and 2 cents for roads, to be paid townships.

Act of April 5, 1905, page 174.

Reward of \$50 shall be paid to the prosecutor for securing conviction for kindling fires.

Act of June 11, 1879, sec. 2, page 149.

Rivers, beds of navigable. No further warrants for.

Act March 28, 1905, page 173.

Roads in forest reservations, regularly established, running into, through, or along said lands, may be maintained, repaired, or extended by the Commission, at an expense of not more than \$25 per mile for those wholly on reservations, and at the expense of \$12.50 per mile for those bordering reservations.

Act of February 25, 1901, sec. 8, page 162.

Road tax fund: See "Penalties." "Reservations."

Rules for the government of the State Forest Reservations; page 190.

School of Forestry established at Mont Alto for the instruction of Forest Wardens.

Act of May 13, 1903, page 170.

Sanatorium for poor consumptives, control and management transferred from Commissioner of Forestry to the Department of Health.

Act of June 1, 1907, page 183.

Schools; see "Reservations," "Forestry School."

Shade trees may be required to be planted along public streets in boroughs.

Act of June 17, 1901, page 164.

Shade Tree Commission: May be appointed in cities, boroughs, and first class townships; has absolute control over trees on public highways; cost of planting is chargeable to the owner of the adjacent real estate; cost of maintenance paid by general tax; may employ assistants and laborers.

Act of May 31, 1907, page 179.

Special acts of Assembly:

April 9, 1869, applying only to Union county.

June 2, 1870, extending the above act to Schuylkill, Lehigh, Berks, Lycoming, Centre, Snyder and Luzerne.

May 19, 1871, applying only to Lycoming county. Page 147

Street railway companies may be authorized by the Commission to construct, maintain, and operate lines of railway over, along, and upon public highways laid out and in actual use, lying within or bordering forest reservations, when such reservations will be benefited thereby.

Act of April 15, 1903, page 169.

Summary conviction may be had before a justice of the peace, after hearing, for any of the offenses prohibited by act of June 1, 1887, and fines and imprisonment imposed as therein provided. Page 151.

Taxes for road purposes may be abated by planting fruit, forest, and shade trees along the roadsides, under certain restrictions.

Act of July 2, 1901, sec. 1, page 165.

shall not abate more than one-fourth of the whole tax, by reason of planting trees along the roadside.

Act of July 2, 1901, sec. 4, page 166.

Taxes on forest reserves supplied by annual fixed charges.

Act of April 5, 1905, page 174.

Telephone, telegraph, and electric light companies may be compelled to pay damages for injuries to trees along highways and on adjacent lands.

Act of June 2, 1891, page 152.

Tenant in common is prohibited from cutting or removing timber from lands held in common without first obtaining written consent of all his co-tenants. The writ of estrepement may issue to prevent further cutting.

Act of May 4, 1869, secs. 1, 3, page 147.

Timber cutting without owner's consent is prohibited under a penalty of \$1,000 or one year's imprisonment, knowingly receiving or purchasing illegally cut timber is punishable in the same manner.

Act of March 31, 1860, sec. 152, page 146.

Timber lands shall be returned by the assessors at each triennial assessment, specifying the number of acres of timber and the number of acres of cleared land in each tract.

Act of June 13, 1883, page 149.

Timber, sale of, removed by tenant in common without consent of co-tenants shall pass no title; owner may recover same and all articles manufactured therefrom, besides damages, in an appropriate action.

Act of May 4, 1869, sec. 2, page 148.

Timber trees: The owners of timber trees planted not fewer than 1,200 to the acre shall, on due proof being made, receive annually from the respective county commissioners, the following sums:

For the first ten years after planting 90 per cent. of taxes assessed against said timber land, but not to exceed forty-five cents per acre.

For the second ten years, 80 per cent. of said taxes, but not to exceed forty cents per acre.

For the third ten years, 50 per cent. of said taxes, but not to exceed twenty-five cents per acre.

May be thinned to 600 per acre after ten years.

Nurserymen shall not participate in the benefits conferred by this act.

Act of June 1, 1887, sec. 1, page 150.

As to unconstitutionality of above see note, page 151.

Title to unseated land shall be vested in the Department of Forestry, if suitable for forestry purposes.

Act March 28, 1905, page 173.

Title to all lands purchased by the Commission shall be in the Commonwealth, held by the Commissioner of Forestry, and said lands are not to be subject to warrant, survey or patent.

Act of February 25, 1901, sec. 8, page 162.

Trees: Damages for injuries to trees along highways or adjoining lands may be recovered from telephone, telegraph and electric light companies.

Act of June 2, 1891, page 152.

Trees: Injury done directly to trees planted by the road side, or by negligently allowing domestic animals access thereto is punishable by fine of from \$1 to \$5 for each tree; and in default of payment or entry of bail for same, the offender may be committed to prison one day for each dollar of fine and costs.

Act of July 2, 1901, sec. 5, page 166.

Trees growing naturally by the road side may be allowed for in abating road tax.

Act of July 2, 1901, sec. 2, page 165.

Trees: Malicious removal or destruction of boundary trees or other landmarks is punishable by a fine of \$500 and imprisonment for one year.

Act of March 31, 1860, sec. 153, page 146.

Trees, planted along road side in abatement of road taxes, may be removed by owner upon condition that he will immediately replant, or refund the amount allowed in abatement for said trees.

Act of July 2, 1901, sec. 5, page 166.

Trees planted in abatement of taxes: Supervisors shall keep a permanent record thereof and note the time of removal of such trees.

Act of July 2, 1901, sec. 7, page 166.

Trees replanted along road sides in place of others which have died shall be allowed for in abatement of road taxes.

Act of July 2, 1901, sec. 3, page 166.

Trees: Wilfully cutting bark from, burning, or otherwise injuring trees, plants, shrubs, or sprouts, without owner's consent, is punishable by fine of \$100, and upon neglect to pay same, defendant may be imprisoned one day for each dollar of penalty.

Act of June 1, 1887, sec. 3, as amended by act of May 14, 1891, P. L. 60, page 151.

Trees: Shade Tree Commission in cities, boroughs, and first-class townships, have full control of trees upon public highways.

Act of May 31, 1907, page 179.

Unseated land; see "Title."

Unseated lands may be purchased by the Commonwealth at treasurer's sales, for the purpose of creating a State Forestry Reservation, at a price not to exceed the taxes for which sold and costs.

Act of March 30, 1897, page 154.

Unseated lands, other than those sold for taxes, may be bought by the Commissioner of Forestry at a price not to exceed the assessed value, and in no case to exceed five dollars per acre.

Act of March 30, 1897, sec. 2, as amended by act of April 28, 1899, P. L. 98, page 154.

Unseated lands bought by the Forestry Commissioner at tax sales, may be redeemed.

Act of March 30, 1897, sec. 3, page 155.

Unseated lands purchased at tax sales and not redeemed within the time allowed by law, shall be fully vested in the Commonwealth, free from further taxation. The treasurers of the respective counties shall certify lists of such lands so purchased and not redeemed.

Act March 30, 1897, sec. 4, page 155.

Unseated lands acquired by the Commonwealth shall become a part of the forestry reservation and shall be controlled and managed with a view to the preservation of the water supply at the sources of rivers, and for protection from destructive floods.

Act of March 30, 1897, sec. 5, page 156.

Union County: See Fires.

Wardens upon forest reservations, called in the act "persons employed by the Commissioner of Forestry," after taking the proper oath, shall have conferred upon them powers of constables and other peace officers; may arrest on view, without warrant, upon reasonable suspicion of an offense committed or about to be committed against laws for protection of forests and timber lands, and fish and game therein, and may convey offenders before justices of the peace for hearing and trial, or due process of law. Rules must be conspicuously posted on reservations. This power shall be exercised only upon reservations, or adjacent lands, and only beyond the limits of the reservation when necessary for pursuit and arrest, or conveying offenders into custody.

Act of March 11, 1903, page 167.

are now ex-officio fire wardens.

Act of April 25, 1907, page 176.

Warrants need not first issue for the arrest of persons trespassing on forest and timber lands, when a reasonable suspicion exists that they have violated or are about to violate the laws pertaining to such lands.

Act April 29, 1897, page 156.

Water may be impounded on reservations for use of boroughs.

Act 14th April, 1905, page 175.

Water supply, conservation of. See "Unseated Lands."

Woods, lands, or marshes, wilful setting fires to. See Fires.

OFFICIAL LIST DEPARTMENT OF FORESTRY.

State Forestry Reservation Commission.

Robert S. Conklin, President, Columbia, Lancaster county.
J. T. Rothrock, M. D., Secretary, West Chester, Chester county.
John Fulton, Johnstown, Cambria county.
Myra L. Dock, Harrisburg, Dauphin county.
G. B. Elliott, Reynoldsville, Jefferson county.

Office of Commissioner of Forestry.

Commissioner of Forestry, **Robert S. Conklin**, Columbia, Lancaster county.
Deputy Commissioner of Forestry, **I. C. Williams, Esq.**, Royersford, Montgomery county.
Clerks, **A. Elwyn Strode**, West Chester, Chester county.
George W. Howard, Chester, Delaware county.

NOTICE.

Department of Forestry.
Harrisburg, Pa., June 1, 1907.

The act approved March 11, 1903, confers the powers of constables upon those who are employed by the Commissioner of Forestry under existing laws for the protection of State Forest Reservations. The employes of this Department will be properly instructed and duly qualified according to law. They will be expected to take prompt and decided measures, and arrest all persons trespassing upon State lands, or violating any laws intended to protect the timber, game, or fish upon the State Forestry Reservations. Any failure on the part of a State employe to do this work will be followed by immediate dismissal from the service of the State. Those employed by this Department will be recognized by the State Forestry Reservation badge which they wear.

The proper protection of our Forest Reserves should interest every citizen of the State, because he or she is a part owner of the land. It will be a favor to this office if those who are aware of any neglect of duty on the part of the Reservation employes will promptly notify the Department of the same, giving all the facts which are necessary to form an intelligent judgment and to take prompt action.

ROBERT S. CONKLIN,
Commissioner of Forestry,

SUGGESTIONS FOR ORGANIZATION OF GAME, FISH AND FORESTRY ASSOCIATIONS.

CONSTITUTION.

Article I.

The name of this association shall be

Article II.

Any reputable, law abiding persons shall be eligible to membership herein who shall be, etc.

Article III.

The officers of this association shall consist of a President, a Vice President, a Secretary and a Treasurer who together with five other members of this Association, to be elected by the association, shall compose the Executive Committee during the year of their election.

Article IV.

The Executive Committee shall have full charge of the business of this association, shall receive and investigate all complaints coming to them of violations of the forestry, the game, or the fish laws, and at once prosecute or, through the Secretary, notify the Commissioner of Forestry, the Commissioner of Fisheries, or the Secretary of the Game Commission at Harrisburg, as the case may be.

Article V.

Five of this committee shall constitute a quorum for the transaction of business and shall meet at least once a month.

Article VI.

This association shall hold two regular meetings, to be held on the day of and the day of and such other special meetings as may be called by the President or a majority of the Executive Committee.

Article VII.

This organization is formed for the protection and preservation of our forests, the protection of game, of song and insectivorous birds, and of fish. For aiding in the enforcement of the laws of this Commonwealth governing the same, and to unite the efforts and influence of all law abiding citizens within

the State, in securing such future legislation for these subjects, as may be considered best suited to advance the interests of the people of the Commonwealth at large.

With this object in view we hereby pledge ourselves not only to obey the laws of the Commonwealth pertaining to these subjects, but to use our influence to have others obey them. We agree to report to the Secretary of this organization the name of any individual who may to our knowledge violate these laws, or any of them, and if need be to testify against such person to secure his conviction.

LEADING DECISIONS PERTAINING TO GAME AND FISH.

OWNERSHIP AND CONTROL.

1. In the classification of property, there are some things, which from their nature are incapable of absolute ownership, and among these are light and air, and game and fish.

2. Bouvier 781.

2. It is probable that the right to take game and fish was a natural right, wholly unrestrained originally by law.

As the population of the earth increased, it apparently became necessary for the purpose of insuring the perpetuity of these things, to abridge or restrict by law this natural right. At what period or by what process this change was brought about does not seem perfectly clear, although the fact remains that this change was wrought, and that in all civilized nations of the world to-day the taking of game and fish is considered a boon or privilege and not an inherent right. In America game and fish are considered to belong to the State, not as a proprietor, but in its sovereign capacity, as the representative and for the benefit of all the people.

Ex parte Maier, 37 Pac. 402.

Phelps v. Racey, 60 N. Y. 10.

3. "Wild game of a State belongs to the people, in their collective sovereign capacity, and is not the subject of private ownership, except in so far as the people may elect to make it so, and they may if they see fit, absolutely prohibit the killing of it, or traffic or commerce in it. That its taking, possession and the disposition thereof is the subject of legislative enactment."

Geer v. Connecticut, 161 U. S. 519.

Martin v. Waddell, 16, Pet. 410.

Ex parte Maier, 103 Cal. 476; 37 Pac. 402.

4. "Game in preserves and fish in private waters are still under the control of the Legislature."

People v. Doxtater, 75 Hun. 472.

5. "Wild game caught or killed contrary to law, remains the property of the State."

Thomas v. N. P. Express Co., 73 Minn. 185.

6. "The right of a state is maintained to adopt any reasonable regulation, not only as to the time and manner of taking game, but also imposing limitations, upon the right of property in such game after it has been taken, because he who takes or kills game, has no absolute property in such game and takes

it subject to all the provisions of the law authorizing its taking."

Geer v. Connecticut, 161 U. S. 519, and many citations.

Ward v. Race Horse, 163 U. S. 504.

7 "And the fact that game has been killed does not change the relation of the law making power to it, but it is still subject to control."

Merritt v. People, 169 Ill. 218.

8. "The measures best adapted to the preservation and protection of game are for the Legislature to determine, and courts cannot review its discretion."

Phelps v. Racey, 60 N. Y. 10.

9. "The right to preserve game flows from the undoubted existence of a police power to that end, which may be none the less efficiently called into play, because by so doing, interstate commerce may be remotely or indirectly affected."

Geer v. Connecticut, 161 U. S. 519.

Hall v. De Cuir, 95 U. S. 485.

Sherlock v. Alling, 93 U. S. 99-103.

10. "Laws and ordinances relating to the comfort, health, convenience, good order and general welfare of the inhabitants are comprehensively styled 'police laws and regulations.' It is well settled that laws and regulations of this character, though they may disturb the enjoyment of individual rights are not unconstitutional, although no provision is made for compensation for such disturbance. They do not appropriate private property for public use, but simply regulate its use and enjoyment by the owner, etc."

Dillon on Municipal Corporations, Sec. 141.

11. "Indeed the police power as to game birds, flows from the duty of the State to preserve for its people a valuable food supply."

Phelps v. Racey, 60 N. Y. 10.

Ex parte Maier, 103 Cal. 467; 37 Pac. 402.

Magner v. People, 97 Ill. 320.

McCready v. Virginia, 94 U. S. 395.

Smith v. Maryland, 18 How 71.

12 "The power of a State to protect by adequate police regulation, the people against the adulteration of articles of food, although in so doing commerce may be remotely affected, necessarily carries with it, the existence of a like power to preserve a food supply, which belongs in common to all the people of the State, which can only become the subject of ownership in a qualified way and which can never be the subject of commerce, except with the consent of the State, and

subject to the conditions, which it may deem best to impose for the public good."

Lawton v. Steele, 152 U. S. 133.

People v. West, 106 N. Y. 293.

People v. O'Neill, 110 Mich. 324.

L'Hote v. New Orleans, 177 U. S. 597.

Laws enacted for the purpose of regulating the time and appliances for catching fish, are a proper exercise of the police power of a state; and, although they may, under certain circumstances, prevent a man from fishing in a stream running through his own land, they do not necessarily amount to taking private property for public use without compensation.

Comth. v. Bender, 7 Pa. C. C. 620.

13. "The weight of authority seems to favor the validity of laws prohibiting the possession of game during the closed season."

Ex-parte Maler, 103 Cal. 476.

Merritt v. People, 169 Ill. 213.

State v. Farrell, 23 Mo. App. 176.

Phelps v. Racey, 60 N. Y. 10.

Roth v. State, 51 Ohio, 209.

Jarvis v. U. S., 11 App. D. C. 345.

14. "The effect of these decisions is, that such possession is unlawful even though applied to game lawfully captured within the State during the open season, and to game lawfully captured outside of the State and lawfully brought within the State (provided the law of the State prohibits the possession of such game) on the theory that such laws are necessary for the protection of game, or as was suggested by the late Chief Justice Coleridge, that the object is to prevent British wild fowl from being improperly killed and sold, under pretense of being imported from abroad.

Whitehead v. Smithers, 2 C. P. D. 553.

15. "Due process of law."

"No person shall be deprived of his life, liberty or property without due process of law."

Constitution of the United States, 5th and 14th amendments.

16. "This clause of the Constitution only applies to such rights are in their nature fundamental, which belong of right to citizens of all free governments."

Carfield v. Coryell, 4 Wash. D. C., 380.

Scott v. Sanford, 60 U. S. 393.

17. "It is true that under the fourteenth amendment, no State can deprive a person of life, liberty or property, without due process of law. But in determining what is due process of law, we are bound to consider the nature of the property, the

necessity for the sacrifice and the extent to which it has heretofore been regarded as within the police power. So far as property is inoffensive or harmless, it can only be destroyed by legal proceedings with due notice to the owner; but so far as it is dangerous to the safety or health of the community, due process of law may authorize its summary destruction."

Sentell v. R. R., 106 U. S. 698.

18. "The emergency may be such as not to admit of the delay essential to judicial inquiry and consideration, or the subject of such action and process may be of such a nature, or the conditions and circumstances in which the act must be performed to effect the protection and give effect to the law, may be such as to render judicial consideration impracticable."

Jenkins v. Ballentine, 8 Utah 245; 30 Pac. 760.

19. "In a case involving the validity of a statute of the State of New York, authorizing the summary destruction of nets, used in illegal fishing, it was held, 'that the police power is universally conceded to include everything essential to the public safety, health, and morals, and to justify the destruction or abatement by summary proceedings of whatever may be regarded as a public nuisance.'"

Smith v. Maryland, 18 How 71.

McCreedy v. Virginia, 4 Otto. 391.

Lawton v. Steele, 152, U. S. 133.

People v. West, 106 N. Y. 293.

People v. O'Neill, 110 Mich. 324.

L'Hote v. New Orleans, 177 U. S. 597.

Holyoke Water Co. v. Lyman, 15 Wall 500.

LEGAL STATUS OF DOGS.

20. "Dogs have been considered under the law as belonging to a class, as it were between animals *ferae naturae*, in which until killed or subdued, there is no property, and domestic animals, in which the right of property is perfect. They are not considered as being upon the same plane as horses, cattle and sheep, and other domestic animals, but rather in the category of cats, monkeys, parrots and similar animals kept for pleasure, etc. Acting then upon the principle that there is but a qualified property in them and that while private interests require that the valuable one shall be protected, public interests demand that the worthless shall be exterminated and they have from time immemorial been considered as holding their lives at the will of the Legislature, and properly falling within the police power of the several state. Laws for the protection of domestic animals are regarded as having but a limited application to dogs or cats."

Santell v. R. R., 16 U. S. 698.

21. "The court held that even if they were to be regarded as property in the fullest sense of the word, they would still be subject to the police power and might be destroyed or otherwise dealt with, as in the judgment of the Legislature appeared necessary for the protection of its citizens; that it was purely within the discretion of the Legislature to say how far dogs shall be recognized as property and under what restrictions they shall be permitted to roam the streets."

COMMERCE IN GAME.

22. "It was early held that the right to import included the right to sell."

Brown v. Maryland, 12 Wheat 447.

23. "It was also held that a State might absolutely prohibit the manufacture within its limits of liquors and could prohibit the sale therein of liquors so manufactured."

Mugler v. Kansas, 123 U. S. 623.

Kidd v. Pearson, 128 U. S. 1.

24. "But that liquor being a well recognized article of commerce and property, in the ordinary sense, its importation from another State and its sale, in the original packages could not be prohibited."

Bowman v. R. R., 125 U. S. 465.

Leisey v. Hardin, 135 U. S. 100.

25. "A State can forbid any traffic or commerce in game."

Geer v. Connecticut, 161 U. S. 519.

Ex-parte Maier, 103, Cal. 476.

26. "It would seem from these decisions that the chief ground upon which they are based, is that of the right of property that may be acquired in the article to be considered, and as no one can apparently acquire more than a conditional property in game, that it is not, and cannot become the subject of interstate commerce; as no right, entitled to the protection of the law can be acquired, through the violation of a statute, it would seem that no property right could be secured in game, brought into this State from another State, from which the exportation was prohibited. This in connection with the principle laid down in Whitehead v. Smithers, 2 C. P. D. 553. That for the purpose of protecting its own game a State may prohibit the importation of game from abroad, and the additional right to pass police regulations, would seem to establish beyond question the right of a State to say, that game of a designated kind could not be bought, or sold, or possessed, within its limits, and that when it does say this in a proper way, that law is binding."

New York v. Waldorf-Astoria Hotel, No. 35 March T. 1907.

RIGHT OF A STATE TO IMPOSE A LICENSE FOR HUNTING.

27. "A State may lawfully impose a license for the privilege of hunting upon citizens of other States, which is not imposed on its own citizens."

In re Eberle, 98 Fed. 295.

28. "A State can prohibit the use of oyster beds in the waters of the State by citizens of other States. That as fish are common property of all the people of the State, a citizen of another State is not invested by the Constitution with any right therein."

McCready v. Virginia, 94 U. S. 391.

Haney v. Compton, 36 N. J. L. 507.

State v. Corson, 50 Atl. 780.

29. "On the 24th day of October, 1904, the Supreme Court of Illinois rendered a decision in the case of *Cummings v. People*, upholding the constitutionality of the license law, and quoting with approval the decision of the Supreme Court of New Jersey in the case of *Allen v. Wyckoff* and the United States Circuit Court of the Northern District of Illinois in the case of *In re Eberle*."

Allen v. Wyckoff, 48 N. J. L. R. 90; 2 Atl. 659.

30. "In the case of *Commonwealth v. Cannon*, in the court of common pleas of Cumberland county, No. 115 Feb. T. 1905, certiorari, in overruling the objections filed the learned court said: 'It has been however repeatedly held that statutes which are directed against non-residents, but not against citizens of other States, are constitutional and valid.'"

Rothermel v. Meyerle, 136 Pa. 251.

State v. Medbury, 3 R. I. 138.

Chambers v. Church, 14 R. I. 398.

Sears v. Warren Co., 36 Ind. 267.

People v. Lawndes, 130 N. Y. 455.

31. "It is a legal and political axiom that protection and allegiance are reciprocal. Aliens resident or sojourning here, do not owe the full measure of allegiance exacted from the citizen, nor can they enjoy all the rights, privileges and immunities of citizenship."

Luke v. Calhoun Co., 52 Ala. 115, 121.

Cyc. of Law and Procedure, Vol. 2, page 88, Note 23.

32. "Citizens of other States have no property right which entitles them to fish against the will of the State, afortiori, the alien from whatever country he may come, has none whatever in the waters, or the fisheries of the State. Like other privileges he enjoys as an alien, by permission of the State, he can only enjoy as much as the State vouchsafes to yield

to him as a special privilege. To him it is not a property right, but is in the strictest sense a privilege or favor."

In re Ah Chong, 2 Fed. Rep. 736.

BURDEN OF PROOF IN PENNSYLVANIA.

33. "In the case of *Commonwealth v. Cannon*, 115 Feb. Term 1905, Cumberland Co., the charge being 'hunting without a license,' the learned judge said 'it was urged also on the argument by the defendant's attorney that it was the duty of the Commonwealth to show that he had not taken out a license in any other county of Pennsylvania, and for the justice to have so found before a conviction was justified, and that it was not sufficient merely to find that he had not taken out a license from the treasurer of Cumberland county. The act must be reasonably interpreted. It must not be misconstrued in such a way as to render it nugatory. It could not have been in the legislative mind, that before a conviction could be had under it, that the Commonwealth would be bound to establish the fact, that in none of the sixty-seven counties of the Commonwealth, no license had been procured by the party charged with the violation of its provisions. It having appeared that none was taken out from the treasurer of Cumberland county, it was for him to show in self defense that he had taken one out in another county, if such had been the case. A penal statute is not to be so strictly construed as to defeat its intent and purpose; all that is required is that nothing shall be taken against the party charged by indictment.'"

Bartolett v. Ackey, 38 Penna. 273.

34. In *Commonwealth v. Dukehart*, 17 Supr. 71, the defendant had been summarily convicted for profane swearing, although the record did not show that he was above the age of sixteen years. Judge Stewart in delivering the opinion of the court below, sustaining the opinion, said: "It is clear, beyond question, That the justice had jurisdiction both of the cause of the complaint and of the parties charged; of the former, by virtue of the act of Assembly; and of the latter by reason of his appearance before the tribunal to answer the complaint. It is true that the record does not show that the defendants were above the age of sixteen years, but their non-age, if such was a fact, was a matter of defense, which should have been set up at the time." Every presumption is in favor of the regularity of the proceedings.

Also in *Moore v. Moore*, 23 Supr. 77. That tribunal held that where a defendant in proceedings to obtain possession under a sheriff's sale, alleges that he holds a title derived from the defendant in execution, prior to the judgment on which the sale was made, it is a matter of defense that need not be negatived in the petition.

CONSTRUCTION OF STATUTES.

35. "When a statute creates a new obligation, or makes unlawful that which was lawful before, a corresponding right is thereby given, either to the public or to the individual injured by the breach of the enactment; and sometimes both. The general rule as to the way in which the authority of statutes may be enforced directly is, that whenever a statute orders a thing to be done, or forbids the doing of anything, an indictment lies for the omission of the one or the commission of the other, and an action lies at the suit of any person who has sustained injury from such omission or commission. What the law says shall not be done, it becomes illegal to do, and it is therefore the subject matter of an indictment without the addition of any corrupt motives."

Endlich on Interpretation of Statutes, section 463.

36. "If a statute prohibits a matter of public grievance or commands a matter of public convenience, all acts and omissions contrary to its injunctions are misdemeanors; and if it omits to provide any procedure or punishment for such act or default, the common law method of redress is impliedly given; that is, the procedure by indictment, and punishment by fine and imprisonment. But the matter must be strictly of public concern. * * *"

Endlich on the Interpretation of Statutes, section 464.

37. Disobedience to an act of Assembly is an indictable offense at common law.

4 Black Com., 122, cited in *Gearhart v. Dixon*, 1 Pa. St., 224 (1845).

38. "If a statute prohibit a matter of public grievance or command a matter of public convenience, all acts or omissions contrary to the prohibition or command of the statute, being misdemeanors at common law, are punishable by indictment, if the statute specify no other mode of procedure."

Arch. Crim. Law, 2; 2 Hawk. Ch. 25, sec. 4.

State v. Parker, 91 N. C. 650 (1884).

39. Where a person is caught in the act of violating any law of this Commonwealth giving protection to game, song, or to insectivorous birds he is to be tried summarily.

Section 2 of the act of May 21st, 1901, entitled "A supplement to an act to provide for the appointment of Game Commissioners, etc." Page ...

JURISDICTION.

"The Courts of Quarter Sessions shall also have jurisdiction in cases of fines, penalties or punishments imposed by any act of Assembly for offenses, misdemeanors and delinquencies,

except when it shall be otherwise expressly provided and enacted."

The Criminal Procedure Act, March 31st, 1860, P. L. 427, Sec. 32.

A Justice of the Peace has the right of Summary Conviction only when that right is distinctly and specifically given by the act under which suit is brought.

Commth. vs. LaBar, 32 Sup. Ct. p. 228.

DECISIONS OF PENNSYLVANIA COURTS.

1. Constables are entitled to the reward for securing convictions for violation of game, fish or forestry laws, as fixed by act of March 22, 1899.

A. C. Lee, Const. vs. County of Wayne.

2. Fishing on Sunday is illegal. Sup. Court Report 27, page 648.

3. It has also been decided by the Superior Court of Pennsylvania that the provisions of the act of May 29, 1901, limiting the taking of game fish to rod, hook and line and the taking of said fish by "means specifically permitted," applied to the taking of all kinds of fish within the Commonwealth. The act says it shall be unlawful to fish for game fish in any of the waters of the Commonwealth in any manner except with rod, hook and line, or with handline having not more than three hooks, &c.

The evidence in the case before the Court shows that the defendant was fishing with four handlines and had caught several suckers, a species of fish not classified by the act of 1901 as either game fish or as food fish. The Court in concluding its opinion says, "The guilt of the defendant did not depend upon what they caught, but in 'fishing for' either game or food fish with a device not specifically permitted by the act."

Comm'th vs. Kenny. Advanced report, Legal Intelligencer, page 544.

This case has been carried to the Supreme Court on appeal.



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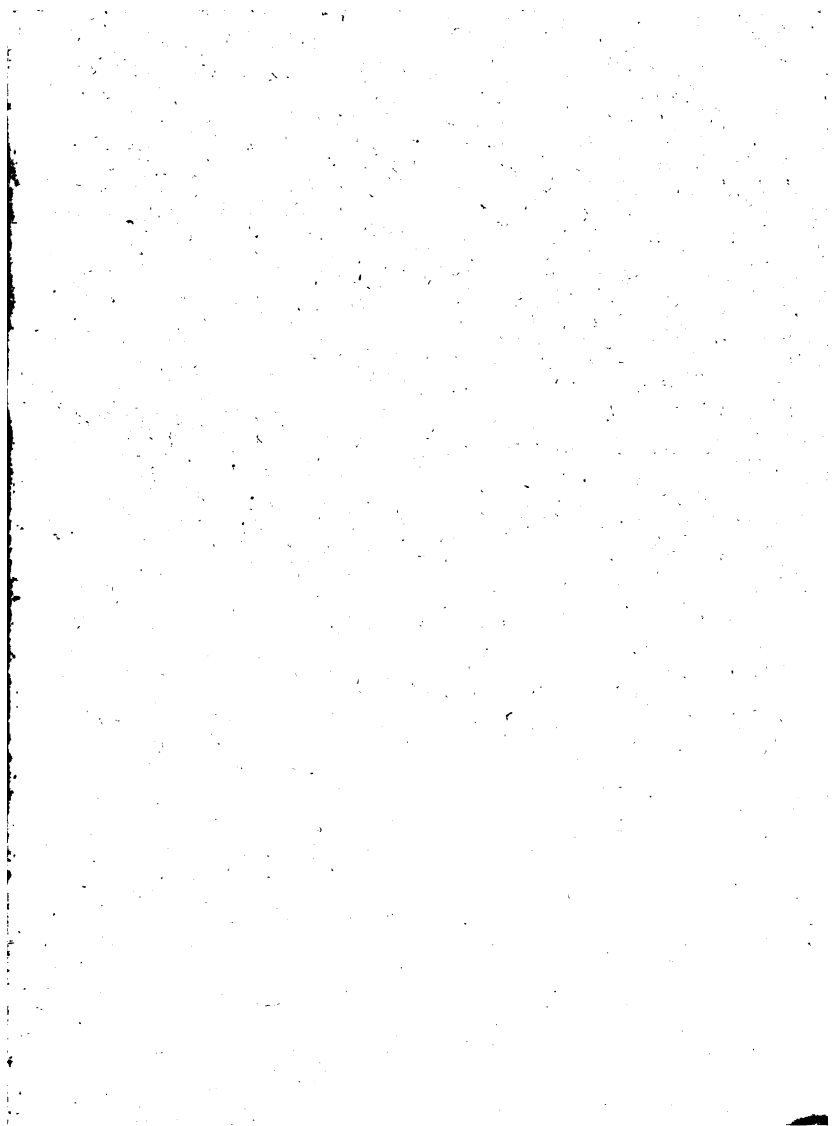
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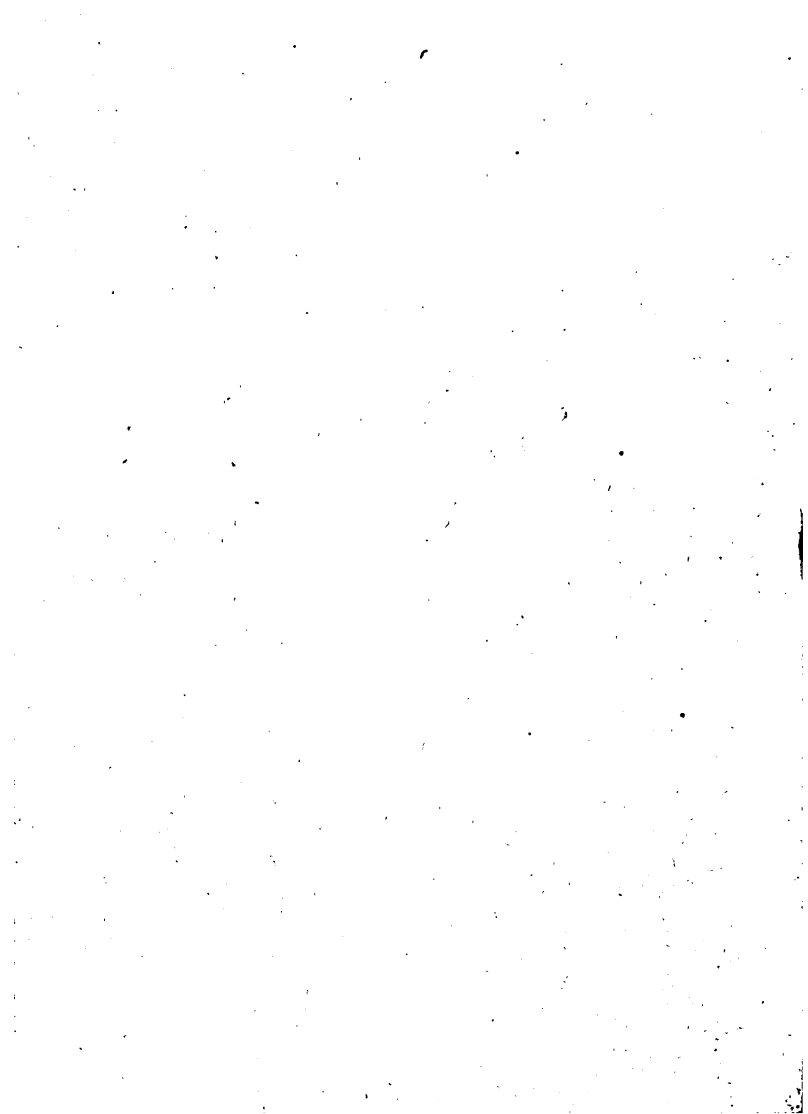
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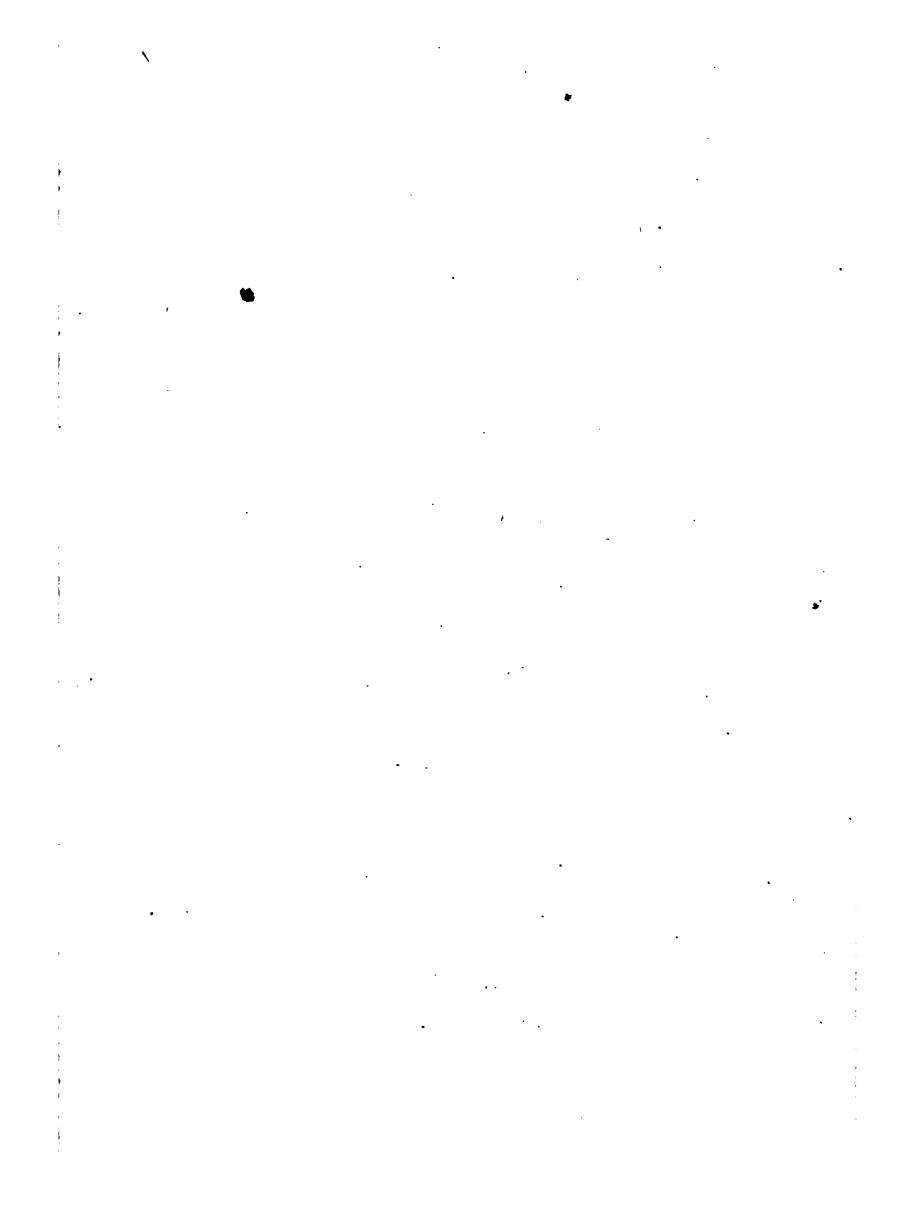
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